UNITED
NATIONS

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Security Council

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GENERAL

S/1996/936
13 November 1996

ORIGINAL: ENGLISH

LETTER DATED 12 NOVEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF EGYPT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Security Council will soon be seized with the issue of electing the Secretary-General of the United Nations. As you know, two major regional organizations, the Organization of African Unity and the League of Arab States, have endorsed Mr. Boutros Boutros-Ghali for a second full term as Secretary-General of the United Nations.

Upon instructions from my Government, I am formally submitting the candidature of Mr. Boutros Boutros-Ghali of Egypt for re-election to the post of Secretary-General of the United Nations, and would appreciate it if you would circulate to members of the Council, as a document of the Security Council, this letter, to which is attached the Declaration of the Yaoundé Summit on an African candidature for a second term as Secretary-General of the United Nations, adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-second ordinary session, held at Yaoundé from 8 to 10 July 1996.

The candidature of Mr. Boutros Boutros-Ghali enjoys wide support by the majority of the United Nations membership, and it is my Government's hope that the outcome of the Council's discussions will duly reflect the will of the majority.

(Signed) Nabil ELARABY
Ambassador
Permanent Representative

96-31804 (E) 131196

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Annex

Declaration of the Yaoundé Summit on an African candidature for a second term as Secretary-General of the United Nations, adopted at Yaoundé on 8 July 1996

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its thirty-second ordinary session at Yaoundé, Cameroon, from 8 to 10 July 1996,

Recalling resolution AHG/Res.243 (XXXI) 1995, by which the Assembly of Heads of State and Government expressed its appreciation to Boutros Boutros-Ghali for his initiatives at the helm of the United Nations Organization,

1. Reaffirms the historic importance of the election of an African as Secretary-General of the United Nations, thus enabling Africa to significantly contribute to the attainment of the principles enshrined in the Charter of the United Nations and to promote multilateralism;

2. Wishes to underscore Boutros Boutros-Ghali's action at the head of the United Nations Secretariat since his election in 1991;

3. Recalls the tradition and the practice at the United Nations, which consists in re-electing the incumbent Secretary-General for a second term;

4. In this regard, recommends that the necessary steps be taken by the current Chairman with all the partners, Members of the United Nations, to give Africa a second mandate, for the next five years, and recommends the candidature of Boutros Boutros-Ghali for a second term as Secretary-General of the United Nations.

UNITED NATIONS

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General Assembly
Security Council

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GENERAL

A/51/676
S/1996/937
13 November 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 39
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-first year

Letter dated 13 November 1996 from the Permanent Representative of Kyrgyzstan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 12 November 1996, addressed to you by His Excellency Mr. Askar Akayev, President of the Kyrgyz Republic.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the fifty-first session of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Zamira ESHMAMBETOVA
Permanent Representative of the Kyrgyz Republic to the United Nations

ANNEX

[Original: Russian]

Letter dated 12 November 1996 from the President of the Kyrgyz Republic addressed to the Secretary-General

The Kyrgyz Republic fully shares the deep concern which you personally, the United Nations Security Council and all interested States have expressed in connection with the military confrontation and bloodshed in Afghanistan. Your active efforts have been clearly manifested in the dispatch to the area of the armed conflict of the United Nations Special Mission headed by Mr. N. Holl, in the resolutions adopted by the Security Council, and in the search for ways to achieve a peaceful settlement in Afghanistan through the organization of a series of international working and expert conferences under the auspices and within the framework of the United Nations.

The Kyrgyz Republic, as you have been informed, stated its position on the Afghan problem at a special meeting of the Security Council, a position which is fully in keeping with the recommendations contained in the resolution adopted by the Security Council: the immediate cessation of hostilities and the holding of a political dialogue aimed at the establishment of a broad-based Government without any outside interference.

The Kyrgyz Republic, which actively and resolutely contributes to the broad international movement on behalf of peace and stability in neighbouring Afghanistan and strives to support and increase measures in the interests of regional security in the Central Asian geopolitical area, offers its capital, Bishkek, as the venue for an international conference on Afghanistan under the auspices of the United Nations. The organizational and other aspects of such a conference can, of course, be agreed during the course of its preparation. The main principle at this stage would seem to be that it should be at the ministerial level, with the participation of those countries which are members of the Security Council and of States which are interested in and have influence in Afghanistan, and that the parties to the conflict might possibly participate in the forum.

We believe that Bishkek offers suitable conditions for the holding of the conference, since, despise its relative proximity to the conflict zone, Kyrgyzstan has no common frontier with Afghanistan, there is no Kyrgyz ethnic minority in that country and Kyrgyzstan has no political and economic interests there. This makes it possible for us to take an impartial position and to create all the necessary conditions for the successful work of a conference on Afghanistan under the auspices of the United Nations.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Askar AKAYEV
President of the Kyrgyz Republic

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/938
15 November 1996
ENGLISH
ORIGINAL: ENGLISH, FRENCH AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja, and Western Sirmium of the Republic of Croatia, and in particular its resolutions 1023 (1995) of 22 November 1995, 1025 (1995) of 30 November 1995, 1037 (1996) of 15 January 1996, 1043 (1996) of 31 January 1996, and 1069 (1996) of 30 July 1996,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Welcoming the success the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) has had in facilitating the peaceful return of the territories to the control of the Republic of Croatia,

Recalling that the Basic Agreement on the Region of Eastern Slavonia, Baranja, and Western Sirmium (S/1995/951), signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb community (the Basic Agreement), requested the Security Council to establish a Transitional Administration to govern the Region during the transitional period,

Recalling also that the Basic Agreement provided that the transitional period of twelve months may be extended at most to another period of the same duration if so requested by one of the parties,

Noting that the local Serb community has requested that the transitional period be extended by twelve months, as indicated by the Secretary-General in his report of 28 August 1996 (S/1996/705),

Welcoming the Secretary-General's report of 26 October 1996 (S/1996/883), and noting in particular the Secretary-General's recommendations that the mandate of UNTAES be extended by six months, until 15 July 1997; that early

extension would avoid a period of pressure and political turmoil; and that the Council consider at this time the need for a further six-month presence of the United Nations,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the Republic of Croatia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. Expresses its full support for UNTAES and calls upon the Government of the Republic of Croatia and the local Serb community to cooperate fully with UNTAES and to fulfil all obligations specified in the Basic Agreement and all relevant Security Council resolutions;

2. Calls upon the Government of the Republic of Croatia and the local Serb community to cooperate with UNTAES in creating the conditions and taking the other steps necessary for holding local elections in the Region, in accordance with the Basic Agreement, the organization of which is the responsibility of UNTAES;

3. Reaffirms the importance of full compliance by the parties with their commitments as specified in the Basic Agreement to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, and in this context, urges the Government of the Republic of Croatia to ensure respect for the rights of all national ethnic groups;

4. Urges furthermore the Republic of Croatia and the local Serb community to avoid actions which could lead to refugee movements and in the context of the right of all refugees and displaced persons to return to their homes of origin, reaffirms the right of all persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia;

5. Emphasizes the responsibility of both the Republic of Croatia and the local Serb community to improve the reliability and effectiveness of the transitional police force, in cooperation with UNTAES and consistent with its mandate;

6. Requests the Secretary-General to keep the Council fully informed of developments and to report to the Council by 15 February 1997 and again by 1 July 1997 on the situation in the region;

7. Decides to maintain the United Nations presence in the Region until the end of the extended transitional period as provided for in the Basic Agreement and:

(a) Decides to extend the mandate of UNTAES until 15 July 1997; and

(b) Requests that as soon as possible after the successful holding of elections, and in no case later than his report of 1 July 1997, the Secretary-

General provide to the Council for its immediate action his recommendations, in the light of the parties' progress towards fulfilling the Basic Agreement, for the further United Nations presence, possibly a restructured UNTAES, consistent with the fulfilment of the Basic Agreement, for the six-month period beginning from 16 July 1997;

8. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

Security Council

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GENERAL

S/1996/939
15 November 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 14 NOVEMBER 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CAMEROON TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the Declaration adopted at the Yaoundé Summit by the Heads of State of the Organization of African Unity recommending the candidature of Mr. Boutros Boutros-Ghali for re-election to the post of Secretary-General of the United Nations.

I should be grateful if you would have the text of this Declaration circulated as a document of the Security Council.

(Signed) Jean-Marc MPAY
Minister Plenipotentiary
Chargé d'Affaires a.i.

96-32170 (E) 151196 151196

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Annex

Declaration of the Yaoundé Summit on an African candidature for a second term as Secretary-General of the United Nations

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its thirty-second ordinary session at Yaoundé, Cameroon, from 8 to 10 July 1996,

Recalling resolution AHG/Res.243(XXXI) 1995, by which the Assembly of Heads of State and Government expressed its appreciation to Boutros Boutros-Ghali for his initiatives at the helm of the United Nations Organization,

1. Reaffirms the historic importance of the election of an African as Secretary-General of the United Nations, thus enabling Africa to contribute significantly to the attainment of the principles enshrined in the Charter of the United Nations and to promote multilateralism;

2. Wishes to underscore Mr. Boutros Boutros-Ghali's action at the head of the United Nations Secretariat since his election in 1991;

3. Recalls the tradition and the practice at the United Nations, which consists in re-electing the incumbent Secretary-General for a second term;

4. In this regard, recommends that the necessary steps be taken by the current Chairman with all the partners, members of the United Nations, to give Africa a second mandate, for the next five years, and recommends the candidature of Mr. Boutros Boutros-Ghali for a second term as Secretary-General of the United Nations.

UNITED
NATIONS

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Security Council

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S/1996/940
14 November 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1070 (1996)

I. INTRODUCTION

1. In paragraph 1 of resolution 1070 (1996) of 16 August 1996, the Security Council demanded once again that the Government of the Sudan comply fully and without further delay with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996). In paragraph 2 of resolution 1070 (1996), the Council noted the steps taken by some Member States to give effect to the provisions set out in paragraph 3 of resolution 1054 (1996) and requested those States that had not yet done so to report to the Secretary-General as soon as possible on the steps they had taken to that end.

2. In paragraph 3 of resolution 1070 (1996), the Security Council decided that all States should deny aircraft permission to take off from, land in, or overfly their territories if the aircraft was registered in the Sudan or owned, leased or operated by or on behalf of Sudan Airways or by any undertaking, wherever located or organized, which was substantially owned or controlled by Sudan Airways, or owned, leased or operated by the Government or public authorities of the Sudan, or by an undertaking, wherever located or organized, which was substantially owned or controlled by the Government or public authorities of the Sudan. In paragraph 4, the Council further decided that it should, 90 days after the date of adoption of that resolution, determine the date of entry into force of the provisions set out in its paragraph 3 and all aspects of the modalities of its implementation, unless it decided before then, on the basis of a report presented by the Secretary-General, on the compliance by the Sudan with the demand in paragraph 1 of the resolution. In paragraph 5, the Council requested the Secretary-General to submit a report by 15 November 1996 on the compliance by the Sudan with the provisions of paragraph 1 of the resolution.

3. The present report is submitted pursuant to the above-mentioned requests of the Security Council. Section II deals with steps taken by Member States pursuant to paragraph 3 of resolution 1054 (1996) and paragraph 2 of resolution 1070 (1996). Section III contains information on activities pursued by me and, on my behalf, by my Special Envoy to the Sudan, Mr. Lakhdar Brahimi. Section IV contains some observations.

II. MEASURES TAKEN BY MEMBER STATES PURSUANT TO PARAGRAPH 3 OF RESOLUTION 1054 (1996) AND PARAGRAPH 2 OF RESOLUTION 1070 (1996)

4. Since the issuance of my report to the Council of 10 July 1996 (S/1996/541) and the addenda of 17 and 23 July and 15 August 1996 (S/1996/541/Add.1-3) and pursuant to paragraph 2 of resolution 1070 (1996), three more replies from Member States have been received as at 11 November 1996 (see annex), bringing to 63 the total of replies received. All the replies have been issued as documents of the Security Council.

5. The three latest replies provided information in connection with paragraph 3 of resolution 1054 (1996). Two States reported that they had taken action in compliance with subparagraph 3 (b) of the resolution and indicated that they did not have diplomatic representation in the Sudan nor did the Sudan have diplomatic representation in their country. One State reported that the Sudan did not have diplomatic representation in it and added that it had no record of Sudanese Government officials or diplomatic personnel having entered the country and that the provisions of the relevant Security Council resolutions had been noted for appropriate action.

III. ACTIVITIES OF THE SECRETARY-GENERAL

6. On 19 August I transmitted to all Member States the text of resolution 1070 (1996). On 23 August I wrote a follow-up note verbale to all Member States on the implementation of paragraph 2 of that resolution.

7. On 8 October, I met with the Minister for Foreign Affairs of the Sudan, who briefed me on the status of the Sudan's relations with four of its neighbours, namely, Egypt, Eritrea, Ethiopia and Uganda. We discussed resolution 1070 (1996), and I stressed the importance of having the full cooperation of the Government of the Sudan in implementing its provisions. I informed the Foreign Minister of my intention to send a mission to the Sudan to consult with his Government before submitting my report to the Security Council. The Minister welcomed this decision.

8. In preparation for this report, my Special Envoy undertook a mission to the Sudan from 26 to 30 October 1996 to consult with the Government and collect information on its compliance with the Security Council's demand. During his stay in the Sudan, my Special Envoy held consultations with the head of State, the Minister for Foreign Affairs and senior officials of the Ministry of Foreign Affairs, the Minister of the Interior and the Minister of Justice. Subsequently, on 30 and 31 October, he visited Cairo for contacts with Egyptian officials. The information gathered by my Special Envoy is summarized below.

A. Compliance by the Sudan with the request for extradition in connection with the assassination attempt on President Mubarak

9. The representatives of the Government of the Sudan maintained that the Sudan was innocent of the charges made against it with respect to three individuals suspected of involvement in the attempt to assassinate President Mubarak. The Government was not able to establish whether the three were present in the Sudan at the time the incident took place or at the time the Sudan was requested to hand them over. The Government knew that one of the suspects might have entered the country, but it had no further information. The authorities also stated that it had been proved that one of the three suspects was in Afghanistan and that there were indications that another might have gone to Kenya and that the third might have been killed.

10. The Government representatives told my Special Envoy that the information initially supplied was very sketchy and that Ethiopia and Egypt had not responded to their request for additional information. The Sudanese interlocutors also felt that the Security Council resolutions were unfair since they were based on the assumption that the three suspects were in the Sudan even though no evidence had been produced in support thereof. They claimed that it was now established that, even if any or all of the suspects had visited the Sudan at some point, none of them was present in the country at the time. Consequently, they wondered how the Sudan could be expected to extradite them.

11. Notwithstanding these protestations, the Sudanese authorities reiterated their willingness to cooperate fully with my Special Envoy and to comply with the request of the Security Council concerning the three suspects. They recalled that the Government had initially responded promptly to a request by Ethiopia by establishing a committee whose purpose was to locate the three persons. They added that, despite the meagre information and the alleged reluctance of Egypt and Ethiopia to provide additional information, the Sudan had throughout shown its willingness to search for the three inside and even outside the country.

B. Compliance by the Sudan with the request concerning support to terrorism and steps to improve relations with neighbouring countries

12. The Sudanese authorities reiterated their firm condemnation of all forms of terrorism and stressed their commitment to fight it in word and in deed. They noted that in the past the Sudan had provided proof of this commitment by extraditing "Carlos" and a number of other persons, including aeroplane hijackers.

13. Sudanese officials with whom my Special Envoy spoke acknowledged that the open-door policy (visa exemption) they had established in 1990 in the name of pan-Arabism might have enabled some terrorists to enter the country easily. They also did not exclude the possibility that some alleged terrorists might have infiltrated the country's long and unguarded borders. This was difficult to ascertain and would have been done without the knowledge of the authorities.

14. The Government was more keen than ever, my Special Envoy was told, to pursue the Sudan's long-standing policy of fighting terrorism. To this end it had adopted a number of new measures, such as reinstating the regulation requiring all foreigners to have entry visas, reviewing the status of all foreigners who had entered the country at a time when no entry visas were required, requesting a number of Egyptians, Palestinians and "Arab Afghans" (including Oussama Ben Laden) to leave the country (which they had), and undertaking very close scrutiny of applications for visas to enter, leave or reside in the Sudan.

15. Government officials also reiterated their readiness to welcome a Security Council mission to investigate any location in the country suspected of providing training for terrorists and to provide the mission with freedom of movement and of contacts and to allow it to travel to any part of the country it wished to visit.

16. My Special Envoy's interlocutors stressed the willingness of the Government of the Sudan to cooperate with any country which possessed information about any person in the Sudan who constituted a threat to that country's security.

17. The Sudanese authorities reiterated their commitment to the principles of the Charter of the United Nations and their willingness to strengthen and improve their country's relations with all neighbouring States without exception and to enhance regional cooperation. They pointed out that, contrary to the general impression, the Sudan maintained good relations with many of its neighbours. They assured my Special Envoy that they would welcome United Nations assistance in improving relations with the others.

C. Humanitarian and economic aspects

18. During my Special Envoy's mission, the Sudanese Government, trade unions, non-governmental organizations and private air transport companies all spoke of the likely negative humanitarian effects of the possible ban envisaged in resolution 1070 (1996) and gave my Envoy memoranda and petitions thereon. His attention was also drawn to the potential negative impact on the health situation. My Special Envoy's interlocutors also underlined the likely economic consequences of a possible ban.

IV. OBSERVATIONS

19. In this and my earlier report (S/1996/541 and Add.1-3), I have placed before the Security Council the information transmitted to me by Member States on steps taken by them to implement the relevant resolutions of the Council. No communications have been received from Member States on the issue of the Sudan's compliance with the Council's demand. I am now placing before the Council the results of the mission to the Sudan by my Special Envoy, Mr. Lakhdar Brahimi.

20. As reflected in the preceding paragraphs, the situation has not changed significantly since my last report to the Council. While the Council demands compliance with its requests by the Government of the Sudan, the latter maintains that it cannot extradite suspects who are not in the country, that it firmly condemns all forms of terrorism, and that it is working to improve its relations with all its neighbours.

Annex

Replies submitted by Member States pursuant to paragraph 2 of resolution 1070 (1996)

The former Yugoslav Republic of Macedonia	21 August 1996	S/1996/703
Ghana	12 September 1996	S/1996/749
Singapore	11 October 1996	S/1996/850

UNITED
NATIONS

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Security Council

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S/1996/941
14 November 1996

ORIGINAL: ENGLISH

LETTER DATED 14 NOVEMBER 1996 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey to you the attached communication which I have received today from the Permanent Representative of Canada to the United Nations, Mr. Robert R. Fowler.

I should be grateful if you would bring this communication to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-32120 (E) 141196

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Annex

Letter dated 14 November 1996 from the Permanent Representative of Canada to the United Nations addressed to the Secretary-General

The humanitarian situation in eastern Zaire continues to deteriorate. In particular, the plight of refugees and displaced persons in that region remains desperate while efforts by international humanitarian agencies to reach those in need continue to be impeded. Hundreds of thousands of lives are at risk, with many thousands liable to die in the absence of immediate relief. Action by the international community is required now to avoid a humanitarian catastrophe.

The Security Council in resolution 1078 (1996) urged Member States on an urgent and temporary basis and in cooperation with the Secretary-General and with the Organization of African Unity, to prepare the necessary arrangements, in consultation with the States concerned, to allow the immediate return of humanitarian organizations and the safe delivery of humanitarian aid to displaced persons, refugees and civilians at risk in eastern Zaire, and to help to create the necessary conditions for the voluntary orderly and secure repatriation of refugees. We envisage, as a legal framework for this intervention, a resolution under Chapter VII of the Charter of the United Nations providing for a mandate to act.

To this end, the Prime Minister of Canada and other Canadian authorities have consulted with a number of Governments, including those in the region. In our judgement, the international will now exists for the formation of a multinational operation. The Government of Canada is prepared to work without delay with other Governments to enable the deployment of a temporary humanitarian operation for eastern Zaire. We have secured the agreement of a number of Member States to participate in such an operation. We are also in contact with the Organization of African Unity. Canada would be ready to take the lead in organizing and commanding such an operation. The objectives assigned to that operation would be consistent with the ones outlined in resolution 1078 (1996), as stated in the preceding paragraph. These are humanitarian objectives, which are not intended to interfere with the balance of military forces in the area or to support the re-establishment of camps in which armed elements are able to operate.

As we see it, this temporary humanitarian operation should terminate on 31 March 1997, unless the Security Council, on the basis of a report of the Secretary-General, determines that the objectives of the operation have been fulfilled earlier. Within that timeframe, and as soon as possible, the Security Council should authorize the deployment of a follow-up operation on the basis of recommendations by the Secretary-General. This would succeed the temporary multinational force. In this regard, we believe it would be appropriate for you to send an advance team to eastern Zaire with the purpose of reporting to you on the requirements for this follow-up operation and for the transition from the multinational force.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Robert R. FOWLER
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/942
15 November 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 15 NOVEMBER 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Acting on instructions of my Government I have the honour to transmit to you herewith, for the information of members of the Security Council, the position of the Republic of Zaire on the deployment of an international force by the United Nations in eastern Zaire.

I have also been requested to state that the Government of Zaire, which adheres to the principle of the voluntary return of refugees to their country of origin, save where there is a threat to the security of the host State, is requesting that the international community become promptly involved in the search for third countries that would take those refugees who might have reasons for not wishing to return to their country of origin.

Zaire considers that the key to the crisis in eastern Zaire is the Rwandese or Burundi refugees. Accordingly it is imperative that a solution be found through the return or departure of all refugees to other climes in hopes that the region may calm down and be able to devote itself to the immense tasks of reconstruction.

I should be very grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) LUKABU KHABOUJI N'ZAJI
Minister Plenipotentiary and
Deputy Permanent Representative

96-32183 151196 151196

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Annex

Position of the Government of Zaire, dated 14 November 1996, on the deployment of an international force by the United Nations in eastern Zaire

1. Since the United Nations Security Council plans to deploy a multinational force in eastern Zaire in order to deal with the vast humanitarian crisis there which constitutes a threat to peace and security in the region (see resolution 1078 (1996) of 9 November 1996), the Government of the Republic of Zaire should be formally consulted on the composition and mandate of that force and on the measures needed to implement the decision of the Security Council since:

(a) First, the Republic of Zaire is clearly the victim of aggression by the regular armed forces of Rwanda, Uganda and Burundi which have violated its territorial integrity and its recognized international boundaries;

(b) Secondly, Zaire in a spirit of solidarity has welcomed in its territory more than 2.5 million Rwandese refugees whose return to their country of origin is today made difficult because of the blockade and the policy of exclusion and ethnic cleansing practised by the State of Rwanda.

2. In the event that it is not consulted regarding the composition of the multinational force, the Government of the Republic of Zaire reserves the right to challenge any State which, because of its dealings with the aggressors finds it impossible to be neutral, any country which shows hostility to Zaire or any country whose nationals have taken up arms side by side with Rwanda against Zaire.

3. It is in this context that the Government of the Republic of Zaire objects to the sending or the presence in Kigali on Thursday, 14 November 1996, of a team of planners for the multinational force.

Since the multinational force is to be deployed in Zaire, why should the planning be done in Kigali?

The Government of the Republic of Zaire believes that the force should have its headquarters in Zaire and that the deployment of the multinational force should be planned with Zaire, not with Zaire's aggressors.

4. As for the mandate of the international force, the Government of the Republic of Zaire believes that it should be not only humanitarian but also political - and that it must be supported militarily, if necessary - in order to cover all aspects of the problem and ensure respect for the relevant provisions of the Charter of the Organization of African Unity and the Charter of the United Nations, particularly Chapter VII thereof.

This force should be able to move around and defend itself, if necessary, in order to make sure that it does not find itself blocked by the aggressors and its accomplices who might seek thus to consolidate their positions to the

detriment of the country's legal institutions, as has happened in similar circumstances.

5. Furthermore, as long as the international force is in place:

(a) The Administration in North Kivu and South Kivu must be Zairian in the name of national sovereignty and the principle of the untouchability of frontiers;

(b) Humanitarian corridors must be organized for the large-scale repatriation of Rwandese and Burundi refugees to their countries of origin and the delivery of humanitarian assistance intended for them. Within these corridors they may be provided with the necessary minimum assistance;

(c) Non-governmental organizations and humanitarian agencies must work under the authority of the Coordinator for humanitarian operations of the Office of the United Nations High Commissioner for Refugees according to clear and precise rules consistent with the requirements of sovereignty to be agreed with the Government of the Republic of Zaire;

(d) The Government of the Republic of Zaire urges the NGOs and the international agencies involved in distributing humanitarian assistance to refrain from dealing with the illegal administrations established by the aggressors and their accomplices.

6. It is only when the refugees and aggressor foreign troops have left that the Government will tackle related issues including that of the granting of nationality - if it arises - in accordance with the Constitution and laws of the Republic of Zaire.

7. Since the context in which Zaire suggested and supported the idea of convening a regional conference on peace and security has long since changed, it would be advisable to consult the States in the region again on this issue.

The Government of the Republic of Zaire does not intend to embark on such an initiative unless there has been a positive development in the field, specifically with regard to the large-scale repatriation of Rwandese and Burundi refugees to their countries of origin and the withdrawal of all aggressor troops from Zairian territory.

In any event, the Nairobi Summit did not include the principle of such a conference in its recommendations.

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister
and Minister of the Interior

UNITED NATIONS **S**

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S/1996/943
15 November 1996
ENGLISH
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Argentina, Austria, Belgium, Botswana, Cameroon, Canada, Chile, Congo, Denmark, Egypt, Finland, France, Gabon, Germany, Guinea-Bissau, Honduras, Indonesia, Ireland, Israel, Italy, Luxembourg, Mali, Netherlands, Norway, Poland, Portugal, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America and Zaire: draft resolution

The Security Council,

Reaffirming its resolution 1078 (1996) of 9 November 1996,

Gravely concerned at the continuing deteriorating situation in the Great Lakes region, in particular eastern Zaire,

Taking note of the communiqué issued by the Fourth Extraordinary Session of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution held at the level of Ministers in Addis Ababa on 11 November 1996 (S/1996/922) as well as a communication dated 13 November 1996 from the Permanent Observer Mission of the Organization of African Unity (OAU) to the United Nations,

Stressing the need for all States to respect the sovereignty and territorial integrity of the States in the region in accordance with their obligations under the Charter of the United Nations,

Underlining the obligation of all concerned strictly to respect the relevant provisions of international humanitarian law,

Having considered the letter dated 14 November 1996 from the Secretary-General to the President of the Security Council (S/1996/941),

Reiterating its support for the Special Envoy of the Secretary-General, and underlining the need for all Governments in the region and parties concerned to cooperate fully with the mission for the Special Envoy,

Welcoming the efforts of the mediators and representatives of the OAU, the European Union and the States concerned, and encouraging them to coordinate closely their efforts with those of the Special Envoy,

Recognizing that the current situation in eastern Zaire demands an urgent response by the international community,

Reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region under the auspices of the United Nations and the OAU to address the problems of the region in a comprehensive way,

Determining that the present situation in eastern Zaire constitutes a threat to international peace and security in the region,

Bearing in mind the humanitarian purposes of the multinational force as specified below,

Acting under Chapter VII of the Charter of the United Nations,

1. Reiterates its condemnation of all acts of violence, and its call for an immediate ceasefire and a complete cessation of all hostilities in the region;

2. Welcomes the letter from the Secretary-General dated 14 November 1996;

3. Welcomes the offers made by Member States, in consultation with the States concerned in the region, concerning the establishment for humanitarian purposes of a temporary multinational force to facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire, and to facilitate the voluntary, orderly repatriation of refugees by the United Nations High Commissioner for Refugees as well as the voluntary return of displaced persons, and invites other interested States to offer to participate in these efforts;

4. Welcomes further the offer by a Member State (S/1996/941, annex) to take the lead in organizing and commanding this temporary multinational force;

5. Authorizes the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 3 above to achieve, by using all necessary means, the humanitarian objectives set out therein;

6. Calls upon all concerned in the region to cooperate fully with the multinational force and humanitarian agencies and to ensure the security and freedom of movement of their personnel;

7. Calls upon the Member States participating in the multinational force to cooperate with the Secretary-General and to coordinate closely with the United Nations Coordinator for humanitarian assistance for eastern Zaire and the relevant humanitarian relief operations;

8. Decides that the operation shall terminate on 31 March 1997, unless the Council, on the basis of a report of the Secretary-General, determines that the objectives of the operation have been fulfilled earlier;

9. Decides that the cost of implementing this temporary operation will be borne by the participating Member States and other voluntary contributions, and welcomes the establishment by the Secretary-General of a voluntary trust fund with the purpose of supporting African participation in the multinational force;

10. Encourages Member States to contribute urgently to this fund or otherwise to give support to enable African States to participate in this force, and requests the Secretary-General to report within 21 days of the adoption of this resolution to enable the Council to consider the adequacy of these arrangements;

11. Requests the Member States participating in the multinational force to provide periodic reports at least twice monthly, through the Secretary-General, to the Council, the first such report to be made no later than 21 days after the adoption of this resolution;

12. Expresses its intention to authorize the establishment of a follow-on operation which would succeed the multinational force, and requests the Secretary-General to submit for its consideration a report, no later than 1 January 1997, containing his recommendations regarding the possible concept, mandate, structure, size and duration of such an operation, as well as its estimated costs;

13. Requests the Secretary-General to initiate detailed planning and to determine the willingness of Member States to contribute troops for the anticipated follow-on operation;

14. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/944
15 November 1996

ORIGINAL: ENGLISH

LETTER DATED 15 NOVEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a Press Statement issued today by the Ministry of Foreign Affairs of the State of Eritrea concerning the situation in eastern Zaire.

I should be grateful if this letter and its annex would be circulated as a document of the Security Council.

(Signed) Amdemicael KAHSAI
Permanent Representative

96-32283 (E) 151196

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Annex

PRESS STATEMENT

The Government of Eritrea wishes to express its serious misgivings on the multinational force of intervention on eastern Zaire that is, apparently, under way.

The contemplated intervention force:

- does not, in fact, have a clear mission or mandate;
- completely neglects the core recommendation of the Nairobi Summit and the OAU Central Organ resolutions that call for the separation of the intimidators and the bona fide refugees;
- has not identified where, how, and to whom humanitarian assistance will be provided;
- does not know with whom to coordinate; and
- its duration has not been determined.

As it may be recalled, the declaration of the Nairobi Summit of the regional leaders had unequivocally defined the objectives of the intervention force which would be to create a temporary sanctuary to facilitate the voluntary repatriation of the bona fide refugees by separating them from the armed militias. It had expressly called for the effective intervention of African force under the umbrella and auspices of the OAU. The OAU Secretary General was accordingly mandated to liaise with the United Nations to promote these objectives.

The intervention now under way contravenes these salient points. It has been undertaken without due and adequate consultation with African countries. As such, it will not only induce a vicious circle and perpetuate the circumstances which bred the present crises, but it is also fraught with new and dangerous consequences.

In the circumstances, the Government of Eritrea expresses its deep concern on these preoccupying developments and withholds the pledge it had made at the beginning of this week to share in the burden by contributing a contingent to the multinational force of intervention unless and until it is conducted within the framework and spirit of the Nairobi declaration.

Ministry of Foreign Affairs
Asmara, 15 November 1996

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/945
15 November 1996

ORIGINAL: ENGLISH

LETTER DATED 15 NOVEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF RWANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Following our conversation of this morning regarding the situation of Rwandan refugees in eastern Zaire and subsequent to the developments of the past 48 hours, I have the honour to inform you, and through you the Security Council, that thousands of Rwandan refugees who had been captives and hostages of the Interahamwe militia and the genocidal leadership of the former Government of Rwanda are now returning to Rwanda.

Over the past 48 hours we have been recording refugees crossing the border at a rate of 100 per minute. We expect that by early next week the majority of Rwandan refugees will have arrived back in their motherland.

The Government of Rwanda welcomes this long-awaited return of its nationals. We believe that the conditions for the continued orderly return of many more refugees are now in place.

I am also happy to inform the Council that the entire Cabinet today accompanied the President of the Republic of Rwanda to the Zairian border town of Goma to welcome the refugees as they arrived.

The local and government machinery has been mobilized throughout the country to prepare reception centres for refugees to receive them before they return to their own homes.

In view of the above-mentioned welcome developments, it is the view of the Government of Rwanda that the proposed multinational force is no longer relevant as far as rescuing Rwandan refugees in eastern Zaire is concerned.

Since the situation in eastern Zaire has changed, plans for the proposed multinational force should also be changed to adapt to the changing situation on the ground. In this regard, the multinational force should be smaller, the location of its troops should be reconsidered and a new mandate defined to enable it to address its purely humanitarian mission as rapidly as possible. The mandate of the multinational force should be for a limited period - two to three months at the utmost.

The mandate of the proposed multinational force should be reconsidered in view of the changing circumstances on the ground such that its task would be to disarm the ex-Rwandan Government soldiers and militia who have held thousands of Rwandan refugees captive in camps in eastern Zaire. It is also the view of my Government that the international community should help by providing adequate resources to facilitate the rehabilitation and integration of the returning refugees.

In this regard, the Government of Rwanda would like to urge the Council not to be hasty in adopting a resolution before the full facts about the changing circumstances on the ground can be obtained. That being the case, the Government of Rwanda would have no problem.

The humanitarian assistance that is required should be brought inside Rwanda in order to cater for the humanitarian needs that have recently arisen.

I should be grateful if the present letter could be distributed as a document of the Security Council.

(Signed) Gideon KAYINAMURA
Ambassador
Permanent Representative of Rwanda
to the United Nations

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Security Council

Distr.
GENERAL

S/1996/946
15 November 1996

ORIGINAL: ENGLISH

LETTER DATED 15 NOVEMBER 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 724 (1991) CONCERNING YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the third and final report of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia. The report, adopted by the Committee on 15 November 1996, presents a concise account of its work since 1993 and until the termination of sanctions. The report also contains a number of recommendations that might be of help to the Council in refining the instrument of sanctions with a view to increasing its effectiveness as a peaceful means of conflict management and preventive action and minimizing its collateral humanitarian effects.

The Members wish to express deep appreciation to the former Chairmen of the Committee, Ambassador Emilio J. Cardenas (Argentina), Ambassador Ronaldo Mota Sardenberg (Brazil) and Ambassador José Ayala Lasso (Ecuador), for their contribution to the work of the Committee.

The Committee, having finalized its report on 15 November 1996, is dissolved in accordance with paragraph 6 of resolution 1074 (1996).

(Signed) Juan SOMAVIA
Chairman
Security Council Committee established
pursuant to resolution 724 (1991)
concerning Yugoslavia

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Annex

FINAL REPORT OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 724 (1991) CONCERNING YUGOSLAVIA

SUMMARY

The final report of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia presents a concise account of its work in discharging the mandate entrusted to it by the Security Council. This mandate included assistance to States and international organizations in applying the comprehensive sanctions on the Federal Republic of Yugoslavia and the Bosnian Serb party, and the general and complete embargo on all deliveries of weapons and military equipment to the countries of the former Yugoslavia. The mandate also encompassed monitoring of the implementation of these measures in all its aspects.

The report describes the main activities of the Committee and its interaction with the Security Council. Practical questions arising from the implementation of the relevant Security Council resolutions included frozen funds, impounded property, financial transactions, use of maritime ports, Danube and land trans-shipments and travel by Bosnian Serb officials.

The Committee assigned high priority to the consideration of applications for humanitarian exemptions and related issues arising from the implementation of the mandatory measures and hostilities in the region. To that end, it cooperated closely with international humanitarian agencies and sought to facilitate their relief programmes and activities.

The Committee recognized the crucial role played by the countries neighbouring the Federal Republic of Yugoslavia. Most of these countries had submitted applications under Article 50 of the Charter of the United Nations with respect to the special economic problems encountered by them as a result of their carrying out the mandatory measures. The Committee made positive recommendations to the Security Council regarding the need for assistance to the affected countries.

Without prejudice to the effectiveness of the mandatory measures, the Committee reaffirmed the importance it attached to free and unhindered navigation on the Danube. To that end, the Committee oversaw the establishment of a reliable system of monitoring and control on the river and approved 95 per cent of all applications to trans-ship goods and commodities via the Danube. Furthermore, the Committee introduced a system of blanket authorizations for Danube trans-shipments, as suggested by the riparian States and the Danube Commission.

Overall the level of compliance by States with the comprehensive mandatory measures was good. However, in the case of the arms embargo, the Committee feels that consideration may have to be given to ways and means of promoting the effectiveness of arms embargoes.

The European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization, the Western European Union and other regional organizations have contributed notably to the implementation of the sanctions regime. These organizations provided the assistance and specialized expertise needed for sanctions monitoring and enforcement, including those provided by the EU/OSCE Sanctions Coordinator, the Sanctions Assistance Missions and their Communications Centre in Brussels. Such concerted efforts at the national and international levels made it possible for national authorities responsible for the enforcement of the mandatory measures to count on practical assistance by the Committee and its secretariat.

The report contains a number of recommendations that might be of help to the Council in refining the instrument of sanctions with a view to increasing its effectiveness as a peaceful means of conflict management and preventive action and minimizing its collateral humanitarian effects.

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I. INTRODUCTION

1. On 13 April and 30 December 1992, the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, hereinafter referred to as the Committee, submitted its first and second reports to the Security Council (S/23800 and S/25027, respectively), outlining activities from its establishment to the end of 1992. Until the adoption of resolution 757 (1992) of 30 May 1992, the mandate of the Committee was to monitor the implementation by States of the mandatory arms embargo established by the Security Council in its resolutions 713 (1991) of 25 September 1991 and 727 (1992) of 8 January 1992 with respect to the constituent republics of the former Socialist Federal Republic of Yugoslavia. With the imposition by the Security Council of various economic and other sanctions against the Federal Republic of Yugoslavia and the Bosnian Serb party, as stipulated in resolutions 757 (1992), 760 (1992) of 18 June 1992, 787 (1992) of 16 November 1992, 820 (1993) of 17 April 1993, 843 (1993) of 18 June 1993 and 942 (1994) of 23 September 1994, the mandate of the Committee was correspondingly expanded.

2. With the adoption of resolution 943 (1994) of 23 September 1994, the Security Council began to acknowledge positive changes in the policies of the Federal Republic of Yugoslavia in complying with the relevant Security Council resolutions. Following the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement) (A/50/790-S/1995/999), the Council adopted resolutions 1021 (1995) and 1022 (1995) of 22 November 1995. This process culminated in the adoption of resolution 1074 (1996) of 1 October 1996, by which the Council decided to terminate the sanctions imposed on the Federal Republic of Yugoslavia and the Bosnian Serb party.

3. The purpose of the present report is to present a concise account of the main activities of the Committee from January 1993 until the termination of the sanctions regime on 1 October 1996. The report includes observations and recommendations.

II. SCOPE OF THE MANDATORY MEASURES

4. The modifications made by the Security Council to the sanctions regime during the reporting period and the corresponding changes to the mandate and role of the Committee are summarized as follows:

(a) By resolution 820 (1993), the Security Council significantly expanded the scope of the measures imposed by its earlier resolutions. The full range of additional requirements, including the need for Danube trans-shipments, freight shipments to or through the Federal Republic of Yugoslavia to be authorized by the Committee, was contained in paragraphs 12 to 30 of the resolution. The new requirements, including procedures to be followed by States and international organizations wishing to export food, medicines or other essential humanitarian items to the Federal Republic of Yugoslavia, or to trans-ship items through the country, were stipulated in the revised consolidated guidelines for the conduct

of its work accepted by the Committee which were transmitted to States and international organizations on 27 April 1993 (SCA/8/93(5) and SCA/8/93(6));

(b) By resolution 843 (1993), the Security Council confirmed that the Committee was entrusted with the task of examining requests for assistance under the provisions of Article 50 of the Charter and invited the Committee, upon completion of the examination of each request, to make recommendations to the President of the Security Council for appropriate action;

(c) By resolution 942 (1994), the Security Council strengthened and extended the measures imposed by its earlier relevant resolutions with regard to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces. The full range of those measures, including the requirement that the Committee establish a list of persons whose entry into other countries should be allowed only with the Committee's authorization, was contained in paragraphs 6 to 20 of the resolution. In accordance with paragraph 21 of the resolution, members of the Security Council conducted four reviews of the measures imposed by that resolution. The reviews did not result in any change of those measures;

(d) By resolutions 943 (1994), 970 (1995) of 12 January 1995, 988 (1995) of 21 April 1995, 1003 (1995) of 5 July 1995 and 1015 (1995) of 19 September 1995, the Security Council, inter alia, suspended some of the mandatory measures imposed on the Federal Republic of Yugoslavia. The precise nature of the suspended measures was contained in paragraph 1 of resolution 943 (1994). The Council also clarified certain aspects of implementation of a number of measures as well as requested the Committee to expedite its elaboration of appropriate streamlined procedures in relation to applications concerning legitimate humanitarian assistance;

(e) By resolution 992 (1995) of 11 May 1995, the Security Council decided to allow vessels of the Federal Republic of Yugoslavia to use the Romanian locks of the Iron Gates I system, on the left bank of the Danube, while repairs were carried out to the locks on the right bank;

(f) By resolution 1021 (1995), the Security Council set out the terms and time-frame of terminating the arms embargo established under resolutions 713 (1991) and 727 (1992). Pursuant to the request contained in paragraph 1 of resolution 1021 (1995), the Secretary-General, on 14 December 1995, informed the Security Council that the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and other parties thereto had formally signed the Peace Agreement on that day in Paris (S/1995/1034). Accordingly, 13 March 1996 would be the date of termination of the arms embargo, with exceptions stipulated in subparagraph 1 (b) of resolution 1021 (1995) and paragraph (j) of the revised guidelines of the Committee for the conduct of its work pursuant to resolutions 713 (1991) and 1021 (1995), adopted by the Committee on 11 December 1995. Following the receipt by members of the Security Council of the reports of the Secretary-General dated 13 June and 17 June 1996 (documents S/1996/433 and S/1996/442) on the implementation of annex 1-B (Agreement on Regional Stabilization) of the Dayton Peace Agreement, the Chairman of the Committee informed all States by a note verbale dated 18 June 1996 (SCA/8/96(4)), that the arms embargo had been terminated;

(g) By resolution 1022 (1995), the Security Council decided, inter alia, to suspend indefinitely with immediate effect most of the sanctions against the Federal Republic of Yugoslavia. The Council also stipulated the terms for reimposition of the sanctions as well as of their termination and left the sanctions against the Bosnian Serb party in place until the latter meet certain obligations. As requested by the Security Council, the Committee reviewed the guidelines for the conduct of its work and approved, at its 138th meeting, on 11 December 1995, the text of a note verbale to all States and international organizations, with revised guidelines regarding its work on the arms embargo (SCA/8/95(22) and SCA/8/95(22/1));

(h) The measures imposed on the Bosnian Serb party were suspended indefinitely starting on 27 February 1996, after the Security Council was informed the day before, through the appropriate political authorities, that, in the assessment of the commander of the Implementation Force in Bosnia and Herzegovina, Bosnian Serb forces had withdrawn from the zones of separation established in the Peace Agreement (letters to States and international organizations, SCA/8/96(2) and SCA/8/96(2-1));

(i) By resolution 1074 (1996), the Security Council decided, inter alia, to terminate, with immediate effect, the measures referred to in paragraph 1 of resolution 1022 (1995) (letter to States, SCA/8/96(6)). By resolution 1074 (1996), the Council also decided to dissolve the Committee upon finalization of its report.

III. WORK OF THE COMMITTEE

A. Main activities

5. The main activities of the Committee during the reporting period related to a wide range of complex issues arising from the implementation of the mandatory measures. The Committee met in formal sessions 94 times between 1 January 1993 and the date of the adoption of its final report, during which it dealt with questions arising from the application of the modified mandatory measures following Security Council resolutions 820 (1993), 942 (1994), 943 (1994), 1021 (1995) and 1022 (1995).

6. On several occasions, the Committee was called upon to give urgent consideration to critical situations that had developed with respect to humanitarian shipments, navigation on the Danube and requests for flights and trans-shipments by land. The Committee also kept under review various issues relating to the humanitarian and social situation in the areas under sanctions and considered cases of actual, alleged or suspected sanctions violations. Issues relating to frozen or impounded funds and assets of the Federal Republic of Yugoslavia were frequently included in the Committee's agenda. Committee rules and procedures were also a subject of intensive discussion. In addition, the Committee dealt with a large number of requests and queries relating to exemptions from the sanctions regime. A brief outline of the substantive issues addressed by the Committee is presented in section III C below.

7. The Committee dealt with a total of approximately 140,000 applications from States or international humanitarian organizations, as well as other communications (see figures I and II). The majority of these communications were applications to export foodstuffs, medical supplies and essential humanitarian items to the Federal Republic of Yugoslavia, or to areas not under the control of the Governments of the Republic of Bosnia and Herzegovina and the Republic of Croatia, or to trans-ship items through the Federal Republic of Yugoslavia via the Danube.

Figure I. Total number of pieces of incoming and outgoing correspondence dealt with between 1993 and 1995

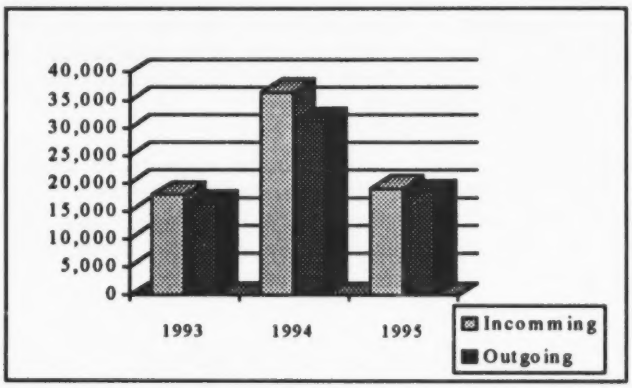
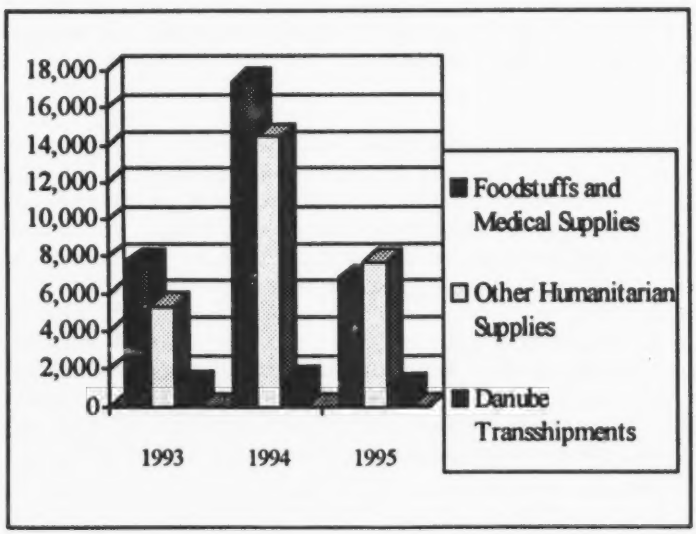


Figure II. Breakdown of applications by type



8. The Committee sent 25 circular letters to States and international organizations informing them of modifications to the mandatory measures, the Committee's guidelines, rules and procedures, or of the status of certain vessels or commercial entities. It also issued 27 press releases covering its most important activities and decisions. In addition, members of the Committee studied 233 information notes consisting mostly of material on alleged violations of the sanctions, gleaned by the Committee's secretariat from published sources. Based on these notes, the Committee addressed letters to 31 States with requests to undertake investigations or provide comments.

9. The Committee's attention was drawn to the serious economic impact on neighbouring States and other third States as a result of the comprehensive sanctions regime. Eight States, i.e., Albania, Bulgaria, Hungary, Romania, Slovakia, the former Yugoslav Republic of Macedonia, Uganda and Ukraine, exercised their right under Article 50 of the Charter to consult the Security Council on possible assistance in connection with special economic problems with which they were confronted as a result of the implementation of the mandatory measures. In accordance with resolution 843 (1993), the Committee submitted its recommendations to the President of the Security Council for appropriate action (S/26040 and Add.1 and 2), based on the examination by its Working Group on Article 50 of applications from the above countries. In each of the cases, the Committee recognized, inter alia, the urgent need to assist the affected country in coping with its special economic problems resulting from the severance of its economic relations with the Federal Republic of Yugoslavia. In this connection, the Committee benefited from hearing, at its 59th and 92nd meetings, the views of the Ministers for Foreign Affairs of Ukraine and Romania.

10. The Committee maintained close cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRCRCS), as well as with the Department for Humanitarian Affairs of the Secretariat. The Committee is also thankful to the Department of Peacekeeping Operations of the Secretariat and the United Nations Peace Forces (UNPF) in the former Yugoslavia for their assistance. The contribution of such regional organizations as the Organization for Security and Cooperation in Europe (OSCE), European Union (EU), North Atlantic Treaty Organization (NATO), Western European Union (WEU) and the Danube Commission was of crucial importance in increasing the effectiveness of sanctions implementation, in particular the measures against the Federal Republic of Yugoslavia, in terms of monitoring and enforcement. The close and beneficial working relationship established between the Committee and the EU/OSCE Sanctions Coordinator, the EU/OSCE Sanctions Assistance Missions Communications Centre (SAMCOMM) in Brussels and the Sanctions Assistance Missions (SAMs) operating in most countries neighbouring the Federal Republic of Yugoslavia has greatly assisted the work of the Committee. The role of those organizations in providing the Committee and States concerned with additional monitoring and enforcement capacity on the ground, as well as with needed specialized expertise, could not be overemphasized. A brief description of the Committee's interaction with humanitarian agencies and regional arrangements follows in sections III.G and IV.

11. The Committee was able periodically to amend its rules and working procedures to better correspond to the actual needs of States and concerned organizations, without compromising the effectiveness of the sanctions regime. A major contribution to this effort, initiated in September 1993, was made by the Informal Open-ended Working Group, chaired by the United Kingdom of Great Britain and Northern Ireland, which recommended action for streamlining the Committee's working procedures. As a result, the Committee significantly simplified, beginning in November 1993, the processing of notifications to ship foodstuffs and medical supplies. The Committee continued its efforts in this area in the light of Security Council resolutions 943 (1994), 970 (1995) and 988 (1995), in which the Council requested the Committee to adopt streamlined procedures for expediting its consideration of applications for legitimate humanitarian supplies. In February 1995, the Committee decided that applications from international agencies, non-governmental organizations and applications concerning the personal belongings of individuals should be processed on a priority basis. It also decided that requests from international humanitarian agencies for land trans-shipment of humanitarian items through the Federal Republic of Yugoslavia would be considered under the "no-objection" procedure (see press release SC/5991). In June 1995, the Committee adopted further measures aimed at facilitating legitimate shipments to the Federal Republic of Yugoslavia and trade on the Danube (see press release SC/6063).

12. The need for streamlining the Committee's work was mainly a result of a backlog in processing incoming applications for humanitarian exemptions that had been bedeviling the Secretariat for some time. By the beginning of 1995, unprocessed applications numbered in the thousands and complaints about delays from applicant States and organizations were increasing. The note by the President of the Security Council to the Secretary-General of 31 May 1995 (S/1995/440) included reference to the concern of the members of the Council over the backlog. Following reinforcement and reorganization of the Committee's secretariat, the backlog was eliminated in October 1995. In a letter dated 9 November 1995 to the President of the Security Council, the Secretary-General assured the members of the Council that notwithstanding the current financial crisis facing the Organization, he would keep the situation under review so that the Secretariat's ability to respond to the needs of Member States in that area might be further enhanced.

13. Of major importance to the Committee's work was determining the commodities and products that fell within the category of "essential humanitarian need" referred to in Security Council resolution 760 (1992). In considering applications on a case-by-case basis, the Committee viewed as inappropriate requests to supply industrial equipment and raw materials, as well as horticultural produce, except fruits and vegetables, to the Federal Republic of Yugoslavia, unless such applications contained, in every case, specific explanations of how the commodities and products in question were intended to meet essential humanitarian needs (see press release SC/6118). As part of its effort to streamline its procedures, the Committee recognized the need to monitor the use of letters of acknowledgement and authorization, as well as the volume of certain products authorized to be shipped to the Federal Republic of Yugoslavia. However, the absence of reliable data on actual quantities or volume of specific items entering the country precluded the Committee from

addressing the issue of possibly excessive quantities of certain commodities and products.

14. The Committee expressed its appreciation to the EU/OSCE Sanctions Coordinator and SAMCOMM for their expert proposals for refining the Committee's rules and procedures based on the practical experience gained by them in the discharge of their mandates. Beginning in June 1993, a computerized satellite communications system linking the Committee's database with SAMCOMM was in operation. Made available and maintained by the United States of America, this system greatly expedited the dispatch of information on authorized shipments and made practically impossible the use of forged or falsified documents at border crossing points and facilitated the legitimate humanitarian supplies.

15. As recommended by the Security Council in the note by its President of 29 March 1995 (S/1995/234), the Committee agreed to a number of measures aimed at making its work more transparent and better understood by Member States. It increased the practice of issuing press releases reflecting on the most important matters discussed at meetings and made available to delegations lists indicating the status of communications considered under the no-objection procedure, as well as lists of major decisions of the Committee.

B. Interaction of the Committee with the Security Council

16. The Committee addressed to the Security Council issues deserving the direct attention of the Council, or issues beyond the scope of its mandate and falling under the authority of the Council. The Committee also reported to the Council, at the latter's request, on specific matters. The following provides an illustration of the extent of such interaction of the Committee with the Council:

(a) On 7 March 1994, the Chairman of the Committee apprised the President of the Security Council of the hijacking to the Federal Republic of Yugoslavia of the Bulgarian barge convoy Han Kubrat, with petroleum products, in violation of sanctions. At the 3348th meeting of the Security Council, on 14 March 1994, the President of the Security Council made a statement regarding the matter (S/PRST/1994/10);

(b) On 22 March 1994, the Chairman of the Committee conveyed to the President of the Security Council a copy of his letter to the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations, demanding an immediate end to all illegal actions against on-board monitors accompanying trans-shipments via the Danube of goods and commodities referred to in paragraph 9 of Security Council resolution 787 (1992);

(c) On 8 April 1994, the Chairman of the Committee conveyed to the Security Council the Committee's understanding that the relevant resolutions of the Security Council did not prohibit the provision of legal services consistent with resolution 757 (1992) to any person or body for purposes of any business carried out in the Federal Republic of Yugoslavia. Thus, the relevant resolutions, the implementation of which fell within the competence of the States concerned, did not prohibit per se States authorizing legal services

under, or in relation to, the mandatory measures imposed by the Security Council against the Federal Republic of Yugoslavia;

(d) In connection with a request by the Federal Republic of Yugoslavia that the country be permitted to draw from its frozen assets in United States banks sufficient funds to pay part of its assessed contributions to the regular budget of the United Nations, the Chairman of the Committee conveyed, on 27 June 1994, to the President of the Security Council the understanding of the Committee that the issue of lifting the prohibitions set forth in paragraph 21 of Security Council resolution 820 (1993) went beyond the Committee's mandate and fell under the authority of the Security Council;

(e) In the course of informal consultations of the Security Council on 5 August 1994, the Chairman of the Committee informed the Council that the authorities of the Federal Republic of Yugoslavia continued to impose illegal cash tolls on foreign vessels in the portion of the Danube passing through the country, despite the demand of the Security Council, as well as of the Committee, that authorities of the Federal Republic of Yugoslavia and others cease such activities immediately;

(f) Following the receipt on 30 November 1994 of a request from the Prime Minister of the Federal Republic of Yugoslavia that the latter's vessels impounded in other countries be allowed to return to the ports of origin, the Committee noted that resolution of the issue required amending various provisions in resolutions of the Security Council. Since the matter went beyond the Committee's mandate and fell under the sole authority of the Security Council, the Committee referred, on 29 December 1994, the matter to the President of the Security Council;

(g) Informed by UNICEF of a major resurgence of diphtheria in several countries of Central Asia and Eastern Europe and that the only available stocks of anti-serum were located in the Federal Republic of Yugoslavia, the Committee immediately considered the issue and recommended that the Security Council adopt a resolution, noting that the matter fell under the Council's exclusive authority. Following the adoption of Security Council resolution 967 (1994) of 14 December 1994, permitting the export of 12,000 vials of diphtheria anti-serum from the Federal Republic of Yugoslavia, the Committee authorized, on 23 December 1994, the shipment to take place;

(h) The Committee gave careful consideration to a request by Romania, supported by other Danube riparian States, the Danube Commission and the EU/OSCE Sanctions Coordinator, to allow vessels of the Federal Republic of Yugoslavia to use the Romanian locks of the Iron Gates I system on the left bank of the Danube while repairs were carried out to the locks on the right bank. At the Committee's recommendation, the Security Council adopted resolution 992 (1995) of 11 May 1995, which came into force on 23 June 1995 and remained in effect until the suspension of sanctions under resolution 1022 (1995);

(i) On 24 September 1996, the Chairman transmitted to the President of the Security Council the report of the Copenhagen Round Table on the United Nations Sanctions in the Case of the Former Yugoslavia (S/1996/776, annex).

17. In addition, the Chairman of the Committee regularly apprised the members of the Security Council during its informal consultations of the most important issues and matters pertinent to the Committee's work and activities. It should be noted that, as a rule, the Committee did not consider communications falling within its mandate but addressed directly to the Security Council, unless the latter specifically requested the Committee to do so.

C. Violations of the economic sanctions and other mandatory measures

18. The Committee took note of action taken by national authorities against the following violators: Ukrainian fishing vessel SCS-1028 (transported fish from the Port of Bar to the Port of Bari, Italy); the Norwegian company Fosen Mekaniske Verksteder AS (imported a ship's hull from Sava Shipyard in Belgrade); oil tankers Thita Triton and Thita Apollo (Greece prosecuted the shipowners and captains of the said ships); and vessels Dimitra and Swene (Honduras cancelled their licences and registration). The Committee also pursued a number of new cases of actual or suspected sanctions violations which had been brought to its attention by States, the EU/OSCE Sanctions Coordinator, NATO and WEU.

19. In June 1993, the Committee requested the Government of the former Yugoslav Republic of Macedonia to undertake urgent measures to end unauthorized truck and railroad traffic across its border with the Federal Republic of Yugoslavia. The Committee also advised its Working Group on Article 50 to defer final decision on the application of the former Yugoslav Republic of Macedonia pending receipt of the information requested from the Government in relation to sanctions implementation. Subsequently, authorities of the former Yugoslav Republic of Macedonia undertook a number of measures that significantly reduced the level of violations. The situation noticeably deteriorated in 1994, prompting the Committee to express its disappointment and concern at what seemed to be a decreasing commitment on behalf of the authorities of the former Yugoslav Republic of Macedonia with regard to strict sanctions implementation. Later, national authorities undertook steps to ameliorate the situation, but were unable to ensure required controls, with illegal shipments crossing the border in both directions. The Committee requested that the Government investigate the activities of more than 300 companies in the former Yugoslav Republic of Macedonia documented to have been involved in sanctions violations, as well as several other cases of violations, but was unable to receive a response about any findings or action taken.

20. Of particular concern to the Committee was the illegal importation of fuel products into the Federal Republic of Yugoslavia. With the coming into force of resolution 820 (1993), the possibility of delivering these strategic items to the country by sea or by means of convoys via the Danube river was virtually eliminated. This, however, led to smuggling from/through Albania and the former Yugoslav Republic of Macedonia, across the Danube river, as well as by individual conveyances.

21. Following reports by the EU/OSCE Sanctions Coordinator, a number of measures were taken by the Government of Albania in cooperation with SAMCOMM to reduce the level of smuggling, including introduction of an oil-preverification

system, with the participation of Greece, Italy and Malta. In May 1995, the President of the Security Council and the Committee Chairman conveyed to Albania the need for additional steps to curb smuggling activities. Subsequently, the Committee was encouraged by successful actions taken by the Albanian authorities, in cooperation with the Sanctions Assistance Mission in Albania and SAMCOMM, against smugglers.

22. In response to actions by armed criminal groups selling petroleum products in the border zone between Bulgaria and the Federal Republic of Yugoslavia, special units of the Bulgarian Ministry of the Interior for combating organized crime, together with border and customs authorities, carried out, in December 1993, a large-scale operation in the area of the Kalotina border crossing point, which succeeded in restoring law and order. After an incident involving the illegal shipment of petroleum products, at the end of January 1994, the Bulgarian authorities urgently put in place a set of additional measures, in order to strengthen and reinforce overall sanctions enforcement at the border between Bulgaria and the Federal Republic of Yugoslavia.

23. In July 1995, the Committee commended the Romanian authorities for their successful action in disrupting the smuggling of fuel across the Danube, as well as for putting in place additional measures aimed at controlling the movement of fuel tankers. Subsequently, the authorities undertook decisive action, seizing around 1,200 of the vessels that had been used in illicit trade, confiscating stocks of fuel and arresting some offenders. In October 1995, the Government enacted additional regulations to enhance sanctions enforcement, aimed in particular at preventing the smuggling of fuel.

24. Furthermore, the Committee urged the neighbouring States of the Federal Republic of Yugoslavia to combat, in accordance with national regulations, excessive shipments of fuel brought into the country by freight conveyances and by passenger cars for commercial purposes.

25. The Committee was also concerned over the unauthorized movement of tanker trucks regularly crossing the international border between Sector East of the United Nations Protected Areas (UNPA) in the Republic of Croatia and the Federal Republic of Yugoslavia. The United Nations Protection Force (UNPROFOR) urged local authorities to discontinue oil exports into the Federal Republic of Yugoslavia. The authorities claimed that the oil in question was exported for processing and that it was subsequently re-imported for use in Sector East. Beginning in early 1993, the Committee received from UNPROFOR 55 reports, tabulating the number of such crossings in both directions. The Committee conveyed its awareness of those violations to the Government of the Federal Republic of Yugoslavia and was in contact with the Government of the Republic of Croatia regarding the matter.

26. In June 1995, the EU/OSCE Sanctions Coordinator informed the Cypriot authorities of his concern that some off-shore companies operating in Cyprus might be controlled directly or indirectly by authorities in the Federal Republic of Yugoslavia or by commercial, industrial or public undertakings in that country, thus operating in violation of the sanctions. Sharing the concern of the EU/OSCE Sanctions Coordinator, the Committee urged the Cypriot

authorities to undertake all necessary measures with a view to eliminating the risks for such violations. It also requested that investigations be conducted in connection with an article published in The New York Times of 5 July 1995. The Cypriot authorities informed the Committee that they had subsequently investigated the matter and discovered no evidence of sanctions violations in connection with the reported activities of its off-shore companies. The Committee was further informed that the Government had adopted additional legislative and other measures to ensure a more effective enforcement of the sanctions and that it had put in place the necessary machinery to investigate all cases brought to its attention. The Committee noted with appreciation the information on the additional measures.

27. On one occasion, in June 1993, the Committee requested that an investigation be undertaken in connection with information submitted by an individual. In December 1994, the Committee was informed by the Permanent Representative of Pakistan to the United Nations that preliminary investigations into allegations by Mr. Nafees Hassan that the Pakistani company Steel Mills Ltd. had received in May 1993 a shipment of zinc ingots originating in the Federal Republic of Yugoslavia had proved to be baseless.

28. In addition to replies received, the Committee was occasionally informed of enforcement steps taken by national authorities through SAMCOMM and by media reports. For example, The Financial Times of 15 September 1995 published an article entitled "Philips fined for sanctions busting", reporting on the action taken in connection with the allegation that several employees of the Netherlands electronics group were found to have commercial contacts with businesses in the Federal Republic of Yugoslavia and that some non-strategic products of the company had possibly been illegally shipped to that country.

D. Violations of the arms embargo

29. The Committee pursued a number of cases of alleged or actual violation of the arms embargo established by resolutions 713 (1991) and 727 (1992), which were brought to its attention during the reporting period. In connection with the memorandum of the Government of the Federal Republic of Yugoslavia, presented in November 1992, the Committee received answers from 16 Governments, either reporting that investigations had not confirmed allegations or that they needed additional information to pursue investigations. The Committee was not informed by the Government of the Islamic Republic of Iran of its findings into the delivery of weapons and military equipment at the airport of Zagreb, Croatia, by an Iranian transport aircraft on 4 September 1992, referred to in the previous report of the Committee (S/25027).

30. The Committee dealt with a number of actual or suspected violations of the arms embargo brought to its attention by NATO/WEU naval forces in the Adriatic Sea, UNPROFOR and States. In addition, certain information was gleaned by the Secretariat from press reports. This resulted in requests for investigations being sent to 13 States, of which 12 refuted the allegations and 1 did not reply.

31. According to the replies received by the Committee, most of the investigations conducted by States either did not confirm the veracity of alleged violations or were not conclusive in terms of establishing the actual source of prohibited items and their final destinations, or in identifying persons or entities engaged in arranging violations of the arms embargo. In those cases where the actual origin of the prohibited items had been established, investigations revealed the use of fake end-user certificates.

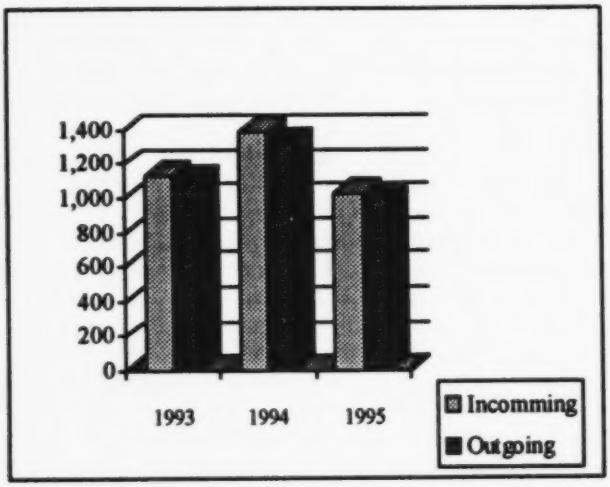
32. Concerned about the effectiveness of the arms embargo in the light of numerous press reports about its violations, the Committee conveyed, in May 1995, to the EU/OSCE Sanctions Coordinator that it would appreciate receiving on a regular basis any available information regarding the matter. Subsequently, the Committee was apprised by the EU/OSCE Sanctions Coordinator that arms smuggling involved very sophisticated techniques. He pointed to the need for tighter cooperation between the competent investigation services of the various countries, with the Committee playing a decisive role to that effect. In his view, arms and other military equipment were entering the former Yugoslavia mostly by air, therefore necessitating measures to control the movement of air freight in the region.

E. Issues related to Danube navigation

33. The Committee tackled various matters relating to the navigation on the river Danube, which flows through the Federal Republic of Yugoslavia and serves as a major transportation artery for a number of countries. The Security Council, while emphasizing the need for strict sanctions implementation, reaffirmed the importance it attached to free and unhindered navigation on the Danube stressing that the river was essential to legitimate commerce in the region. With the help and cooperation of the riparian States, the EU/OSCE Sanctions Assistance Missions and WEU, the Committee oversaw the establishment of a reliable system of monitoring and control on the river. As a result, violations connected with Danube trans-shipments virtually ceased and disruptions caused to the riparian States by the introduction of the sanctions regime were considerably eased.

34. Since the decision by the Security Council that trans-shipments of commodities and products through the Federal Republic of Yugoslavia on the Danube would be permitted only if specifically authorized by the Committee, consideration of such applications became an essential part of the Committee's mandate. During the period covered by the present report, the Committee received 3,554 requests for trans-shipment via the Danube and approved 3,379 of them (see figure III).

Figure III. Requests and approvals for Danube trans-shipments



35. In the case of strategic items and goods referred to in paragraph 9 of resolution 787 (1992), the Committee decided that effective monitoring of their transit might require the presence on board of special monitors, for the duration of the voyage along the Danube between Vidin/Calafat and Mohacs. For this purpose, the Committee approved certain persons selected by the Governments of Austria, Bulgaria, Germany, Hungary, Romania, Slovakia and Ukraine. In addition, SAMCOMM developed and introduced, in May 1994, the Serbian Water Control System, which allowed technical monitoring of upstream and downstream traffic in the above portion of the Danube and quick identification of incidents, thus further strengthening monitoring arrangements. In October 1994, SAMCOMM suggested that the Committee consider, in certain cases, waiving the requirement for monitors, but members felt the need to clarify a number of technical questions before reaching such a decision.

36. The Committee explored possible practical ways of simplifying regulations regarding Danube trans-shipments, as well as accelerating the processing and consideration of such applications. This was necessitated by complaints from applicant States regarding delays in legitimate shipments, owing to the fact that the processing of applications took, on average, between two to four weeks. Various suggestions and proposals from Austria, Bulgaria, Ukraine and other riparian States, as well as the Danube Commission and SAMCOMM, included inter alia (a) abandoning the need for Committee authorization for certain goods; (b) broadening the categories of goods approved for transit via the Danube, such as coal; (c) eliminating the need for human monitors for certain goods, such as iron ore; (d) reducing the number of control points for vessels plying the river; (e) shortening the time-period for checks and inspections of

vessels and their cargoes; and (f) introducing blanket or bulk authorizations for certain items.

37. The Committee gave the above suggestions careful consideration. In August 1993, it approved a proposal presented by SAMCOMM, following a meeting of riparian States in Bucharest, that vessels, both powered or non-powered, which carried no goods or commodities, excluding packing material intended for reuse (empty reels, pallets, etc.), could transit without specific prior authorization of the Committee, provided that all movements were notified to the SAMs teams by shipping operators and that the vessels were subject to monitoring before entry to and exit from the Danube portion between Vidin/Calafat and Mohacs. In August 1994, the Committee authorized, on a trial basis, the passage of a convoy laden with iron ore without the presence of monitors, provided the Centre undertook other necessary steps at its disposal, to ensure effective monitoring. After successful passage of the convoy, SAMCOMM recommended that the trial be extended to all such cargoes. In July 1995, the Committee introduced new rules and procedures (SCA/8/95 (11 and 11/Add.1)), envisaging, inter alia, authorizations for certain shipping companies to trans-ship on the Danube unlimited quantities of certain materials, namely iron ore and aggregates (sand, gravel, slag), non-coking coal, steel coils and slabs, without the presence of on-board monitors. Starting in September 1995, the Committee issued nine blanket authorizations. The short period of time between the issuance of the blanket authorizations and the suspension of the sanctions by resolution 1022 (1995) prevented the Committee from considering suggestions by Hungary, Ukraine and SAMCOMM that the list of goods covered by blanket authorizations be expanded to include, for example, bulk agricultural commodities such as wheat and corn.

38. The Committee paid special attention to matters related to the Iron Gates I and II systems on the Danube, in view of their critical importance to Danube navigation. Thus, the Committee approved requests from Romania, Hungary and the Federal Republic of Yugoslavia related to ensuring normal functioning of the systems and navigation on the river. In March 1994, the Committee was seized of Romania's request, supplemented by a request from the Federal Republic of Yugoslavia, supported by the Danube Commission, for the approval of passage of vessels from that country in cabotage through the Romanian locks at the Iron Gates I, so that the Federal Republic of Yugoslavia could undertake necessary repairs to the locks on its side of the river. Following the Committee's recommendation, based on an expert assessment of the matter by the Danube Commission, the Security Council adopted resolution 992 (1995), allowing the use of the Romanian locks of the Iron Gates I system by vessels of the Federal Republic of Yugoslavia, while the locks of the Federal Republic of Yugoslavia were undergoing repairs. The resolution, which came into force on 23 June 1995, was in effect until the suspension of the sanctions against the Federal Republic of Yugoslavia, on 22 November 1995.

39. Experience gained during the period covered by the report suggests that, notwithstanding the problems caused to riparian States in connection with the implementation of the sanctions, many obstacles to legitimate international shipping on the river originated with the Federal Republic of Yugoslavia. In January and February 1993, a number of Romanian vessels were detained in the Danube section flowing through the Federal Republic of Yugoslavia. In

July 1993, the non-governmental organizations White Rose and Orthodox Unity-New Byzantium initiated a large-scale blockade of the river. The blockade continued, despite assurances from the Government of the Federal Republic of Yugoslavia that it would endeavour to do all it could to secure the free and safe passage of all ships of foreign countries, and the matter was brought to the attention of the members of the Security Council. After a statement by the President of the Security Council on 13 October 1993 (S/26572), condemning deliberate and unjustified acts of interference with the river traffic of several States, and deploring the acquiescence of the authorities of the Federal Republic of Yugoslavia who had failed to prevent such acts, the blockade eased and most convoys were allowed to pass. However, selective harassment and interference continued. In March 1994, the Committee considered reports from Ukraine and SAMCOMM indicating a campaign of threats and intimidation by the organizers of the blockade against on-board monitors. According to the reports, convoys carrying goods and commodities referred to in paragraph 9 of Security Council resolution 787 (1992) were forced to pay substantive amounts in hard currency for each monitor. The Committee demanded that the competent authorities of the Federal Republic of Yugoslavia put an immediate end to all illegal actions against the on-board monitors and informed the President of the Security Council of the Committee's decision. The blockade was discontinued at the end of March 1994.

40. Of serious concern to the Committee was the issue of illegal tolls imposed on foreign vessels transiting the section of the Danube passing through the territory of the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia claimed, inter alia, that it had been deprived of the funds necessary for securing the safety of navigation on the portion of the Danube over which it had jurisdiction and had introduced a compensation levy for this purpose. On 13 October 1993, the President of the Security Council demanded (S/26572) that the authorities of the Federal Republic of Yugoslavia and any others imposing similar tolls cease such action immediately. On 5 August 1994, the Chairman of the Committee reported to the members of the Security Council that the practice was continuing. In resolution 992 (1995), the Security Council noted, inter alia, that flag States could submit claims to the authorities in the Federal Republic of Yugoslavia for reimbursement of tolls illegally imposed on their vessels transiting the section of the Danube that passed through the territory of that country.

F. Other issues addressed by the Committee

41. As indicated above, the Committee discussed a wide range of issues of general or specific nature. The most noteworthy of them are briefly presented in the following paragraphs.

Applications under Article 50

42. Action by the Committee with regard to applications submitted by Albania, Bulgaria, Hungary, Romania, Slovakia, the former Yugoslav Republic of Macedonia, Uganda and Ukraine in accordance with Article 50 of the Charter has been outlined in the reports of the Secretary-General on economic assistance to States affected by the implementation of sanctions (A/48/573, A/49/356, A/50/423

and A/51/356). By the end of 1994, the Committee's Working Group on Article 50 had considered and taken note of replies from 19 States and 24 international organizations in response to its appeals for assistance on behalf of the affected countries. The Committee also received summarized information on damages and losses accrued by Hungary in 1995 as a result of its implementation of the mandatory measures. It should be added that the Committee sought to take into account the special economic problems of the affected countries, when considering their specific requests. An example was the approval of a request from the Government of Albania for the transit of electric energy through the Federal Republic of Yugoslavia.

Implementation of resolution 820 (1993)

43. The Committee was able to resolve the problem of outstanding authorizations issued prior to the entry into force of resolution 820 (1993) by agreeing on a set of transitional arrangements aimed at expediting shipments of foodstuffs and medical supplies, as well as of legitimate Danube trans-shipments (press release SC/5616). The Committee also clarified that measures under resolution 820 (1993) and other relevant resolutions of the Security Council did not apply to diplomatic missions in the Federal Republic of Yugoslavia, or to the diplomatic missions of that country, which remained subject to the Vienna Conventions on Diplomatic and Consular Relations of 1961 and 1963, respectively (press release SC/5615). All shipments, however, destined for diplomatic missions had to be effected through the border crossing points approved by the Committee. Subsequently, the Committee confirmed the above position in connection with shipments of petroleum products for diplomatic missions in Belgrade (SCA/8/94(2)).

44. The Committee approved, on the basis of suggestions from the States concerned, a strictly limited number of road and rail border crossing points, which henceforth represented the exclusive transit points for passage of freight and rolling stock into and out of the Federal Republic of Yugoslavia (press releases SC/5615 and SC/5646), monitored by national authorities in cooperation with the SAMs. The establishment of this system allowed for effective control of land shipments.

45. In reference to paragraphs 24 to 26 of resolution 820 (1993), the Committee considered that it was a matter for each Government applying domestic law to determine the existence of a majority or controlling interest on the part of a person or undertaking in or operating from the Federal Republic of Yugoslavia in vessels, vehicles, rolling stock or aircraft. In June 1993, the Chairman transmitted to all States the particulars of certain vessels in which a majority or controlling interest might be held by a person or undertaking in or operating from the territory of the Federal Republic of Yugoslavia (SCA/8/93(10)). The list of the vessels, which was not exhaustive or comprehensive and which represented the information available to individual Governments, was conveyed to States for their information and possible action, as appropriate under domestic law, including investigations into the actual ownership and activities of any such vessels found in their territories. In August 1993, the Committee addressed a note verbale to all States (SCA/8/93(11)) calling upon them to cooperate with States investigating the ownership of vessels, freight vehicles, rolling stock, aircraft and cargoes, in compliance with resolution 820 (1993),

by providing any relevant information they might possess to the requesting State in a timely fashion. The Committee appreciated the assistance provided by Lloyd's Register of Shipping in ascertaining the status and relevant particulars of certain vessels.

46. In May-August 1993, the Committee was seized of the case of two Yugoslav Air Transport (JAT) aircraft on long-term lease to a Turkish company. The Committee was not in agreement with the view of the Government of Turkey that the aircraft should be allowed to operate. Since at the time resolution 820 (1993) came into force one of the aircraft was located in Ireland for maintenance purposes, the Committee informed the Irish and Turkish authorities that the plane should remain impounded in Ireland, without provision of services.

47. In October 1993, the Committee informed Ireland that the repossession or the transfer to a consortium of European banks of two aircraft owned by a company based in the Federal Republic of Yugoslavia, Aviogenex, because of the failure of the company to repay loans it received from those banks for the purchase of the aircraft, would be contrary to the requirements contained in the relevant Security Council resolutions.

48. In connection with Bulgaria's request related to the detention of the MV Adventure and its cargo (after an investigation had not established a sanctions violation) to clarify the question of legal or financial responsibility for actions taken by national authorities within the territory of their respective State to implement Security Council resolutions, the Committee replied, in September 1995, that any such question should be resolved in accordance with national law. It would be up to each State to decide what, if any, action might be taken under national law to protect the national authorities from liability when acting in good faith to implement mandatory resolutions of the Security Council.

Use of maritime ports in the Federal Republic of Yugoslavia

49. The Committee set out strict rules and regulations for the use of maritime ports within the territorial waters of the Federal Republic of Yugoslavia for the purpose of delivering food, medicines or other essential humanitarian items to the country (press release SC/5678). As a result, it was not in a position to agree to the request of UNHCR and WFP to be allowed to use the port of Bar for humanitarian shipments.

Sale of impounded vessels of the Federal Republic of Yugoslavia

50. In connection with queries from States in relation to the sale of impounded vessels of the Federal Republic of Yugoslavia, the Committee usually agreed to such sales on the following conditions: (a) the owner of the vessel should be agreeable to its sale; (b) the vessel should be sold at a fair market price, if necessary by auction or by other means of competitive bidding; (c) the buyer of the vessel must not be a company or any other entity owned by an interest of, or in, the Federal Republic of Yugoslavia or a nominee for such interests; and (d) all proceeds from the sale must be made only for expenses incidental to the

impoundment of the ship, with no payments to be made for any expenses incurred prior to its impoundment.

Land trans-shipments

51. The Committee considered several proposals submitted by States neighbouring the Federal Republic of Yugoslavia, particularly Bulgaria, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Greece, requesting the establishment of land trans-shipment (transit) corridors through the Federal Republic of Yugoslavia. Bulgaria and Greece argued, for example, that the restrictive trans-shipment regime had considerably disrupted their traditional trade and economic links with the countries of Central and Western Europe. The Republic of Bosnia and Herzegovina cited the need for transit exceptions to ensure more reliable ways of receiving humanitarian supplies, which were, at the time of the request, often jeopardized by the military conflict. The former Yugoslav Republic of Macedonia referred to certain measures introduced for such trans-shipments by Greece in February 1994. The Committee expressed appreciation for the efforts of Bulgaria to work out, in cooperation with the EU/OSCE Sanctions Coordinator and SAMCOMM, specific ways of effecting land trans-shipments free of sanction violation risks, but was not in a position to accede to them in view of the requirements contained in paragraph 22 (c) of resolution 820 (1993). The Committee encouraged the applicant countries to seek alternative shipment routes.

Frozen funds

52. On several occasions, the Committee considered queries from States as to whether funds frozen as belonging to the Federal Republic of Yugoslavia might be used or released for the purchase of foodstuffs and medical supplies. The Committee was unable to reach consensus regarding this issue. In June 1995, the Committee replied, inter alia, to a query from Switzerland that the issue of assets and liabilities of the former Socialist Federal Republic of Yugoslavia had not yet been settled and that the issue did not fall within the Committee's mandate.

Passenger transportation

53. In December 1993, the Committee informed Switzerland of its view that bus transportation to or from the Federal Republic of Yugoslavia was not prohibited, subject to limitations imposed by the relevant Security Council resolutions, in particular that the vehicles in question, regardless of their affiliation, were used solely for purposes of passenger transport and in accordance with provisions contained in the relevant national legislation.

Personal effects

54. The Committee had to address the issue of personal effects moving into and out of areas subject to sanctions, since the measures imposed by the Security Council did not restrict freedom of movement for individuals, except as contained in paragraph 14 of resolution 942 (1994). Thus, the Committee required that its authorization be obtained for personal household items prior to their shipping and treated such requests on a priority basis. However, when

mass movements of individuals occurred as a result of hostilities, the Committee de facto suspended that requirement for practical and humanitarian reasons. The Committee left to the discretion of national authorities the definition of what constituted personal effects which could be imported without its authorization.

Exemption of books and publications from the sanctions

55. The Special Rapporteur of the Commission on human rights on the situation of human rights in the former Yugoslavia, as well as the International Federation of Newspaper Publishers and the International Federation of Journalists, raised the issue of exempting books and publications from sanctions and appealed for a review of the sanctions as they applied to the media. Noting that such exemptions from the sanctions regime were the sole prerogative of the Security Council, members of the Committee reiterated their willingness to consider favourably requests to export publications, newsprint and specialized equipment to media organizations on a case-by-case basis, provided the nature of the publications in question was consistent with the goals and purposes of the United Nations.

Participation of nationals of the Federal Republic of Yugoslavia in events abroad

56. On several occasions, the Committee dealt with queries as to whether the participation of individuals or delegations from the Federal Republic of Yugoslavia in activities not related to the peace process would be in conformity with sanctions requirements. As a rule, the Committee did not object to such participation provided it was not officially sponsored by or representing the Federal Republic of Yugoslavia. However, in July 1993, the Committee replied to Australia that it was not in a position to come to a consensus view as to whether participation by a parliamentary delegation from the Federal Republic of Yugoslavia in the 90th Conference of the Inter-Parliamentary Union (IPU) at Canberra would be consistent with resolution 757 (1992).

Railway stock exchange

57. In August 1994, the Committee informed the EU/OSCE Sanctions Coordinator that a proposed mutual exchange of rolling stock (railway wagons) under the auspices of the International Union of Railways among the constituent republics of the former Socialist Federal Republic of Yugoslavia, including the Federal Republic of Yugoslavia, would not be consistent with relevant Security Council decisions.

Provision of meteorological data

58. In September 1994, the Committee informed Bulgaria that provision of the National Meteorological Centre in Belgrade with meteorological information and weather reports would not be in conformity with relevant Security Council decisions, except in circumstances where such information could help to prevent or mitigate the consequences of possible natural disasters.

Applications to export/import produce originating in the Federal Republic of Yugoslavia

59. The Committee declined applications for the receipt of products or goods originating in the Federal Republic of Yugoslavia, as not being consistent with sanctions requirements. Thus, in June 1995, the Committee informed Belarus that it was not in a position to approve a request for the importation of 770,000 tons of various agricultural produce from the Federal Republic of Yugoslavia. In July 1995, the Committee did not approve a request from the Federal Republic of Yugoslavia to ship 1,500 cubic metres of lumber to Greece, donated by the Holy Synod of the Serbian Orthodox Church for the reconstruction of homes and facilities for earthquake victims.

Disputed ownership

60. In April 1994, the Committee was seized of Bulgaria's request to be allowed to receive two newly built river barges from the Federal Republic of Yugoslavia. According to Bulgaria, whose request was supported by the EU/OSCE Sanctions Coordinator, the costs of construction of the barges had been paid in full, including payment in the form of shipbuilding materials, before the imposition of sanctions and, therefore, the vessels should have been allowed to be transferred to Bulgaria instead of being used by the Federal Republic of Yugoslavia. The Committee carefully examined the situation at several meetings but, despite being sympathetic to Bulgaria's position, was unable to approve the request.

Mail

61. In relation to mail deliveries, the Committee clarified that parcels classified as postal packages in accordance with the relevant national or international postal regulations and dispatched through the international postal services were exempt from sanctions.

Sanctions against the Bosnian Serb party

62. Following the adoption of resolution 942 (1994), the Committee provided clarification, at the request of a number of countries, as well as the United Nations Educational, Scientific and Cultural Organization (UNESCO), on certain matters related to the implementation of measures imposed against the Bosnian Serb party. It noted, in particular, that educational, cultural and other activities in the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, except the delivery of humanitarian relief by international agencies, should be undertaken with proper authorization of the Government of the Republic of Bosnia and Herzegovina and the Committee.

63. The Committee was unable to establish a list of individuals whose travel to other countries was prohibited in accordance with paragraph 14 of resolution 942 (1994), although the United States submitted, in June 1995, certain information to that effect. Despite the absence of such a list, the Committee received and approved, during the reporting period, requests from Canada and the United States to authorize the entry into their respective territories of

certain individuals, for participation in legal proceedings and for participation in the peace talks at Dayton, respectively.

Payments

64. Social benefits. The issue of payments of foreign pension benefits to recipients in the Federal Republic of Yugoslavia was repeatedly raised with the Committee. In June 1993, the Committee informed the Netherlands that an arrangement under which a bank based in the Federal Republic of Yugoslavia would pay out benefits in hard currency, provided the bank was allowed to open an unblocked account in the Netherlands in which the countervalue of such payments would be deposited, would not be in conformity with the relevant Security Council decisions. In July 1995, the Committee reiterated, in connection with proposals of the Association of Yugoslav Citizens Enjoying Pensions under International Agreements on mechanisms for effecting payments to their recipients in the Federal Republic of Yugoslavia, that while the Governments concerned might decide to forward social security benefits to recipients in the Federal Republic of Yugoslavia, they were not obligated to do so. Moreover, in cases where Governments decided to make such payments, it was up to the Government concerned to devise a mechanism for doing so without contravening the mandatory measures. Such mechanisms, the Committee added, should aim at ensuring that the intended recipients received their entitlement in hard currency and, if possible, without the need for extensive and expensive travel arrangements to collect them.

65. Compensation payments. The Committee informed the President of the Governing Council of the United Nations Compensation Commission, at the latter's request, of sanctions requirements regarding payment of compensation to claimants in the Federal Republic of Yugoslavia and areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces. In particular, payments to any entity in the Federal Republic of Yugoslavia or to any entity or individual in Serb-controlled areas of Bosnia and Herzegovina were to be made only into frozen accounts and payments to individuals in the Federal Republic of Yugoslavia were not to be distributed through the Government or financial institutions of that country.

Fresh water project

66. Beginning in July 1994, the Committee was seized of the request by WHO and Germany to approve construction of a fresh water supply system in the coastal area of Montenegro, valued at US$ 65 million. The project was initiated by the Government of Montenegro, reportedly in order to alleviate drastic water shortages. The Committee considered the matter at several meetings but was unable to reach a decision owing to lack of consensus regarding the humanitarian nature of the project as well as the modalities of its financial arrangements.

Dual-use items

67. The Committee considered several queries by States related to potential or actual dual-use items, including requests for the repatriation to Croatia of civil police helicopters, the supply to Croatia and the Federal Republic of Yugoslavia of air traffic control equipment, the supply of anti-hail missiles

and training aircraft, the supply of materials for direct satellite link between the earth stations at Fucino, Italy, and Sarajevo, Bosnia and Herzegovina.

G. Humanitarian impact and cooperation with humanitarian relief organizations

68. The Committee, seeking to minimize the humanitarian impact of the mandatory measures attributed special importance to facilitating and expediting humanitarian relief to those in need in the Federal Republic of Yugoslavia, as well as the Republic of Bosnia and Herzegovina and the Republic of Croatia. To that end, the Committee invariably treated on a priority basis legitimate humanitarian applications and closely cooperated with leading international relief bodies and organizations, such as the UNHCR, UNICEF, ICRC, WHO, WFP and, since 1995, IFRCRC. Since these organizations were the main sources of humanitarian relief, the Committee endeavoured to accommodate their programmes in the former Yugoslavia within the bounds of the relevant Security Council resolutions. In February 1995, the Committee formally decided that applications from international humanitarian agencies and from States on behalf of non-governmental humanitarian organizations or concerning the personal belongings of individuals would be processed on a priority basis. It also decided that requests from international humanitarian agencies for trans-shipment of humanitarian items through the Federal Republic of Yugoslavia by land would be considered under the "no-objection" procedure. The Committee also agreed to grant exemptions in relation to supplies from international humanitarian organizations and small humanitarian donations of no commercial value.

69. SAMCOMM and national authorities were able to develop monitoring and control procedures that ensured that authorized activities were in conformity with sanction requirements and that approved items would be used only for the declared purposes and reach their intended beneficiaries. The establishment of such procedures, in conjunction with a proven record of strict implementation of the established requirements, enabled the Committee to consider programme applications from international agencies, including for transfer of funds and logistical needs, on a long-term basis (semi-annual or annual), rather than on a case-by-case basis.

70. The Committee appreciated receiving information from humanitarian agencies about their respective activities in the region and on issues of concern to them. In addition to the data contained in consolidated inter-agency appeals for former Yugoslavia, members particularly appreciated detailed briefings by UNHCR representatives. During the first half of 1995, the Committee also appreciated receiving from the Under-Secretary-General for Humanitarian Affairs, at its request, information on the needs of social and humanitarian institutions in the Federal Republic of Yugoslavia, prepared by the UNHCR office in Belgrade with the participation of WHO, UNICEF and other international and national humanitarian organizations.

71. On several occasions, the Committee received valuable information from the Director-General of WHO on the health situation in the Federal Republic of Yugoslavia. The Committee gave careful consideration to WHO's estimates of

urgently needed drugs and raw materials for the production of drugs in the country, as well as proposals in relation to the supply of pharmaceutical raw materials, medicines and fuel for humanitarian purposes. The Committee appreciated, in particular, the readiness of WHO to verify that such raw materials were used solely for the production of medicines, provided WHO received additional resources to hire personnel for the assignment and that the free movement of WHO personnel was ensured. In the light of continued allegations of illegal exports of finished medicines from the Federal Republic of Yugoslavia, the Committee remained unable to authorize the import of pharmaceutical precursors by eight firms from the Federal Republic of Yugoslavia. With the exception of those firms, exports of pharmaceutical raw materials to the Federal Republic of Yugoslavia continued. The Committee was determined not to hinder in any way medical products and equipment, and in particular finished medicines, from reaching the people of the Federal Republic of Yugoslavia.

72. The Committee reacted promptly to emergency humanitarian requests, often caused by a volatile and rapidly evolving situation on the ground:

(a) In October 1993, the Committee approved, on an exceptional basis, the use by UNHCR of an unauthorized border crossing point in the Republic of Croatia, for a particular humanitarian trans-shipment to the Republic of Bosnia and Herzegovina, through the Federal Republic of Yugoslavia;

(b) In September 1994, the Committee approved the supply, for a period of 10 days, of 50 MW of electric power from Albania to a certain area in the Federal Republic of Yugoslavia, so as to meet the humanitarian needs of the population in that area while the electric network there, severely damaged by a thunderstorm, was undergoing repairs;

(c) In October 1994, following an urgent appeal by UNHCR, the Committee conveyed to the Governments of the Federal Republic of Yugoslavia, the Republic of Bosnia and Herzegovina, as well as the United Nations High Commissioner for Refugees and the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, that the requirements of the relevant decisions of the Security Council did not prevent the passage of items or goods destined for the Republic of Bosnia and Herzegovina, after their trans-shipment through the Federal Republic of Yugoslavia had been duly authorized by the Committee;

(d) In August 1995, in relation to the flow of refugees from Croatia to the Federal Republic of Yugoslavia and the areas under the control of the Bosnian Serbs in the Republic of Bosnia and Herzegovina, the Committee approved an urgent request by UNHCR to transport humanitarian supplies to the needy by air and land. The Committee also approved, on an exceptional basis, a UNHCR request to use the Zagreb-Belgrade highway for the same purpose. Since UNHCR transportation fuel stocks were almost depleted owing to the increased need for its services in the region, the Committee authorized shipment of an additional 8,250 metric tons of fuel intended for powering UNHCR vehicles and for distribution to refugees. During this particular humanitarian crisis, the Committee responded practically instantaneously to requests from UNICEF, ICRC and several Member States.

73. Cooperation between the Committee and humanitarian agencies was of particular importance in meeting the energy-related needs of refugees and other vulnerable groups in the Federal Republic of Yugoslavia, as well as in certain areas of the Republic of Bosnia and Herzegovina. The Committee advised applicant States wishing to undertake energy-related exports to the Federal Republic of Yugoslavia for humanitarian purposes, that it was not in a position to approve the supply of energy-related products to the country for general distribution; however, without prejudice to its final decision, the Committee expressed readiness to consider requests for authorization of shipments of strictly limited quantities of fuel targeting specific end-users among the most vulnerable groups of civilian population and for purely humanitarian purposes. The Committee required such requests to be associated with an international humanitarian agency such as UNHCR, ICRC or WHO provided that the intended end-users were among those who had been identified by such agencies as being in particular need of fuel supplies. The Committee also required that provisions for effective monitoring of the delivery and use of the fuel be specified in the request, also in conjunction with the agency associated with the request.

74. In September 1993, the Committee approved the shipment by UNHCR of 7,500 metric tons of heating fuel to the Federal Red Cross in Belgrade. In December 1993, the Committee authorized UNHCR to supply 27,000 metric tons of coal and heating fuel to refugee facilities and institutions for the infirm and mentally impaired which had been identified by UNHCR as requiring fuel assistance. Consideration of the second request, given the quantities involved, took about two months, during which the agency developed, in cooperation with SAMCOMM, specific procedures to meet the Committee's requirement that UNHCR ensure adequate monitoring and control of the fuel at all times and at all stages in the delivery, storage and distribution process. Subsequently, but within a much shorter time-frame, the Committee approved, under similar "model" conditions, further UNHCR requests to supply heating fuel and coal to the Federal Republic of Yugoslavia and Eastern Bosnia and Herzegovina. The Committee also approved fuel requests from ICRC and the European Community Humanitarian Office.

75. In February and April 1994, the Director-General of WHO outlined, on the basis of an ad hoc WHO assessment mission, proposals and recommendations regarding the supply to the Federal Republic of Yugoslavia of natural gas for humanitarian purposes, including quantities, beneficiaries and monitoring arrangements. In February 1995, the Committee approved the request of the Russian Federation, supported by WHO, to supply for humanitarian purposes 132.43 million cubic metres of natural gas per month to the Federal Republic of Yugoslavia for an initial period of 30 days, with possible extensions to the end of April 1995. Authorization was subject, inter alia, to a requirement that the monitoring of distribution of natural gas would be undertaken by WHO and SNAM, a subsidiary of the Italian firm ENI. The Committee also requested UNPROFOR to make the necessary arrangements in the area of Sarajevo to monitor and assess the amount of natural gas received by the city. At the same meeting, the Chairman noted that several members of the Committee had made their approval of the request contingent upon adequate gas supplies to Sarajevo. Subsequently, the Director-General of WHO reported that the authorization had not been utilized for reasons related to the gas supply company.

76. In November 1995, the Committee approved, on an exceptional basis, taking into account prevailing humanitarian conditions in the Federal Republic of Yugoslavia, the export of 186.5 million cubic metres of natural gas per month from the Russian Federation for an initial period of two months, on condition that it would revert to the matter in the case of interruptions or delays in the delivery of natural gas to Sarajevo for other than technical reasons. The Committee also decided to re-evaluate the matter upon presentation of an expert report on the distribution and use of natural gas. In addition, the Committee authorized the shipment of 28,500 tons per month of heating oil and 588 tons per month of liquid gas, for a period of six months, provided that both the heating oil and the liquid gas would be delivered via the river Danube. Furthermore, the Committee agreed to consider favourably applications for the supply of natural gas to the country required for legitimate humanitarian needs (press release SC/6125).

77. On several occasions the Committee was seized of the issue of natural gas delivery through the Federal Republic of Yugoslavia to the Republic of Bosnia and Herzegovina, in particular to the city of Sarajevo. In August 1993, having been informed by Hungary that the Republic of Bosnia and Herzegovina was receiving only about one third of the gas leaving the Hungarian territory, the Committee brought the matter to the attention of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for action. In December 1994, the Committee approved, taking into account the humanitarian nature and exceptional circumstances of the situation, an urgent request from the Special Coordinator for Sarajevo, UNPROFOR, for authorization to supply spare parts to the Federal Republic of Yugoslavia needed to repair and maintain compressor units vital to the provision of natural gas to Sarajevo. Acting at the request of the Government of Bosnia and Herzegovina, the Committee requested, in August 1995, the Government of Hungary to ensure the suspension of further deliveries of natural gas at the Hungarian-Yugoslav border until appropriate and lasting agreements on the unhindered supply of gas to all users were reached and adequate guarantees provided. Following an agreement among the parties concerned on the reopening of the natural gas supply to that country from the Russian Federation, through Hungary and the Federal Republic of Yugoslavia, the Committee conveyed, in October 1995, to the Governments concerned that it had no objection to the restoration of the supply of natural gas.

78. The Committee was not always able to respond swiftly to some applications from humanitarian agencies, such as WHO requests to supply devices and materials for disinfection and purification of drinking water, although such instances were exceptional to the Committee's established practice and were related to the complexity and technical nature of certain issues.

IV. ROLE OF REGIONAL ORGANIZATIONS

79. One of the factors in the effectiveness of mandatory measures in the case of the former Yugoslavia was the role played by regional organizations in assisting national authorities and the Committee in monitoring and enforcement of the mandatory measures. In fact, experience gained during the reporting period shows that the contribution of EU, OSCE, NATO, WEU, the Danube Commission

and the International Conference on the Former Yugoslavia was of importance. UNPF was also able to contribute to the monitoring efforts. The relevant activities and interaction of the above organizations with the Committee could be summarized as follows:

(a) EU/OSCE Sanctions Coordinator, SAMCOMM and the SAMs

(i) Following the adoption of Security Council resolution 757 (1992), the London Conference (August 1992), noted, inter alia, that States neighbouring the Federal Republic of Yugoslavia were encountering practical problems in the enforcement of sanctions and welcomed the fact that the Government of Romania had invited experts to give advice on ways to overcome difficulties in the application of sanctions. The Conference invited the European Community and the then Conference on Security and Cooperation in Europe (CSCE) a/ to coordinate activities related to the dispatch of fact-finding missions to the countries of the region and to the establishment of monitoring missions to assist in the implementation of the mandatory measures by neighbouring countries. In September 1992, a liaison group of the European Commission and the CSCE Committee of Senior Officials approved the deployment of customs officers to the countries neighbouring the Federal Republic of Yugoslavia under the name of EC/CSCE Sanctions Assistance Missions (SAMs). b/ The SAMs were deployed upon the request of the respective host Governments. Their primary purpose was the provision of technical assistance, advice and support to host countries to further their efforts to prevent breaches of the sanctions imposed by Security Council resolution 757 (1992). The European Commission undertook to operate SAMCOMM in support of the SAMs, serving as a terminal for the exchange of information and consolidation of reports. SAMCOMM, as well as the first three SAMs in Bulgaria, Hungary and Romania, became operational in October 1992;

(ii) In February 1993, Mr. Antonio Napolitano (Italy) was appointed to the post of EC/CSCE Sanctions Coordinator. He was succeeded in January 1996 by Mr. Frederick Racké (the Netherlands). The tasks of the Sanctions Coordinator included assessment of sanctions implementation and of their effects; assisting and advising countries on technical (customs) and legal matters, as well as on resolving disputes arising from the practical application of sanctions, based on prior decisions of the Committee; bringing actual and suspected violations to the attention of CSCE, the Committee and concerned Governments; and consulting with concerned Governments on investigation and prosecution of alleged violations of the sanctions (the full description of the Sanctions Coordinator's mandate is contained in document A/48/84-S/25272 of 10 February 1993);

(iii) In resolution 820 (1993), adopted on 17 April 1993, the Security Council welcomed the role of the SAMs in support of the implementation of the measures imposed under resolution 713 (1991) and its relevant subsequent resolutions and the appointment of the Sanctions Coordinator by CSCE, and invited the Sanctions Coordinator and the SAMs to work in close cooperation with the Committee;

(iv) From 1993, the SAMs were deployed and successfully operated in seven countries, i.e., Albania, Bulgaria, Croatia, Hungary, Romania, the former Yugoslav Republic of Macedonia and Ukraine. Deployment and operations were based on bilateral memoranda of understanding with each of the host countries, specifying, inter alia, that the SAMs would advise on implementation of the sanctions by the relevant national authorities in accordance with Security Council resolutions 713 (1991), 757 (1992) and other relevant resolutions, and would provide customs and other practical advice to help national authorities to enforce sanctions rigorously. One of the arrangements was that SAMs officers would not directly involve themselves in any enforcement action. Twenty-two countries provided, at their Governments' expense, experts and equipment for the SAMs and SAMCOMM, with common costs being refunded by OSCE. The European Commission covered most of the expenses related to SAMCOMM. The total number of personnel employed by the Office of the Sanctions Coordinator, SAMCOMM and the SAMs was about 250 persons. The Committee would like to use this opportunity to pay tribute to all personnel of the SAMs for their efforts, sometimes in adverse conditions, in performing their functions with true dedication and professionalism;

(v) SAMCOMM proved to be indispensable to ensuring the smooth day-to-day functioning of the SAMs and providing guidance for their activities. SAMCOMM's major task was to facilitate communication and coordination between the SAMs and the authorities of the host countries. SAMCOMM was staffed with professional experts able to provide specialized support to the diplomatic efforts of the EU/OSCE Sanctions Coordinator and his office, as well as to the Committee, at the latter's request. SAMCOMM played an instrumental part in working out appropriate control procedures on the ground, particularly with international humanitarian agencies. In many instances, it was the primary source of information and practical proposals for the Committee in relation to implementation of sanctions against the Federal Republic of Yugoslavia, through regular situation reports and dispatches concerning specific issues for consideration. In addition, SAMCOMM developed a strong investigative capability, interacting with national authorities in pursuit of suspected or established breaches of sanctions, and reporting to the Committee on the most important cases;

(vi) The Committee established a close working relationship with the EU/OSCE Sanctions Coordinator and SAMCOMM. On various occasions, the Committee benefited from information and specialized expertise received. On its part, the Committee provided the EU/OSCE Sanctions Coordinator and SAMCOMM with necessary guidance with respect to the implementation of relevant Security Council and Committee decisions. The EU/OSCE Sanctions Coordinator and SAMCOMM officials addressed five meetings of the Committee, providing information on important issues pertinent to sanctions implementation. The Committee also benefited from the presence of the Committee Chairman (on two occasions) and senior representatives of the Sanctions Committee Secretariat at meetings of the EU/OSCE Sanctions Liaison Group in Vienna. The information gleaned at these meetings was of practical use to the

Committee; in addition, the participants of the Sanctions Liaison Group meetings were made aware on a regular basis of the proceedings and actions of the Committee, thus ensuring, inter alia, a more concerted enforcement effort by States and better coordination of the combined efforts of the organizations involved in the operation. In December 1994, the Committee accepted the proposal of the EU/OSCE Sanctions Coordinator for the deployment of a liaison officer from SAMCOMM, with a primary function to provide specialized expertise not available within the Secretariat, and to assist the Secretariat of the Committee in processing applications for humanitarian supplies. The assistance of the Liaison Officer and the second Liaison Officer, who joined him later, was extremely valuable to the efforts of the Secretariat of the Committee in dealing with the processing of humanitarian exemptions;

(b) NATO/WEU naval operations in the Adriatic Sea. During the first half of 1993, NATO and WEU continued their patrolling missions in the Adriatic Sea, which the two organizations had begun in July 1992 in order to ensure compliance by maritime traffic in the area with Security Council resolutions. Since June 1993, following the coming into force of resolution 820 (1993), NATO and WEU joined their efforts in a combined naval enforcement operation named "Sharp Guard". The mission was twofold: first, to check all vessels entering or leaving the Adriatic Sea (on average, 50 vessels a day), if necessary diverting them to Italian harbours for inspection of their cargo and documents, in order to prevent the supply of weapons and military equipment by sea to the countries of the former Yugoslavia; and second, preventing all commercial maritime traffic from entering the territorial sea of the Federal Republic of Yugoslavia. The use of force against vessels attempting to evade was authorized, in accordance with paragraph 28 of resolution 820 (1993), but the Committee is not aware of any instance when fire power was needed, although, from 16 July 1992 to 18 June 1996, NATO/WEU forces challenged 74,332 merchant vessels, inspected 5,975 at sea and diverted 1,416 to ports. Fourteen nations provided maritime and airborne assets to the joint operation, deploying almost 4,500 military personnel and 20 ships. Italy provided Coast Guard resources, port and inspection facilities, logistical and other support to the efforts to enforce mandatory measures. The Committee benefited from weekly situation reports by Italy on the operation, on behalf of the Presidency of WEU, as well as from regular reports by the Executive Office of the General Secretary of NATO;

(c) WEU Danube Mission. In June 1993, the WEU Danube Mission commenced its operations in Bulgaria, Hungary and Romania on the basis of bilateral memoranda of understanding with each of those countries. The objective of the Mission was to prevent violations of sanctions and to ensure that shipping on the Danube was in accordance with Security Council resolutions. For that purpose, WEU countries provided patrol boats, appropriate personnel and the necessary equipment. The Mission established three control areas on the river, where, in coordination with the relevant SAMs, WEU teams inspected the documents and cargoes of vessels and convoys before and after their transit through the Federal Republic of Yugoslavia. The Mission was, inter alia, authorized, with due regard for the need to safeguard human lives and avoid excessive or irreparable damage to property and the environment, to take control of any vessel attempting to violate sanctions and to force sanction breakers, under the

direction of local national officers, into designated harbours or anchoring grounds. WEU did not have direct ties to the Committee, but members were aware of pertinent WEU activities on the Danube through regular reports from SAMCOMM, as well as through the participation of the Committee's Secretariat in EU/OSCE Sanctions Liaison Group meetings;

(d) Mission of the International Conference on the Former Yugoslavia Mission. An important role in monitoring the application of sanctions against the Bosnian Serb party was assumed by the International Conference on the Former Yugoslavia Mission to the Federal Republic of Yugoslavia, which was established on 17 September 1994 at the invitation of the Government of the Federal Republic of Yugoslavia. The Mission played the crucial role of observing the closure of the border between the Federal Republic of Yugoslavia and areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces in order to verify that only humanitarian shipments, as specified in Security Council resolution 943 (1994) and other relevant resolutions, were allowed to pass. The Committee treated the Mission as part of the activities of the Conference and, therefore, not subject to mandatory measures imposed by the Security Council in the case of the former Yugoslavia. Accordingly, the Mission, located and operated in the Federal Republic of Yugoslavia, was exempted from the need to obtain Committee authorization to ship necessary equipment and supplies, as well as transfer funds. Mission reports were considered by the Security Council itself;

(e) Danube Commission. The Danube Commission, on behalf of the Danube riparian States, assisted the Committee with expertise and information in relation to various technical aspects of navigation on the river, particularly with regard to the functioning of the Iron Gates systems. The Commission also regularly brought to the attention of the Committee its concerns about damage and loss, suffered by riparian States and legitimate shippers as a result of sanction restrictions on the Danube. Since July 1993, the Commission conveyed, on more than one occasion, its suggestions and proposals aimed at easing Danube trans-shipments and facilitating legitimate traffic on the river;

(f) United Nations Peace Forces (UNPF). The Committee was in regular touch with the Department for Peacekeeping Operations and with UNPROFOR, subsequently replaced by UNPF in the former Yugoslavia, regarding various matters related to its mandate. The Committee received periodic information on freight shipments between the Federal Republic of Yugoslavia, on the one hand, and the UNPAs in the Republic of Croatia and the former Yugoslav Republic of Macedonia, on the other. The Committee worked closely with UNPROFOR in considering requests from the Croatian Serb and Bosnian Serb parties for urgent medical and casualty evacuation flights;

(g) European Community Monitor Mission (ECMM). In May 1993, the Committee received from Lord Owen, at that time Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, a report by ECMM in Croatia indicating a possible violation of the arms embargo.

80. In view of the experience gained in implementing the sanctions regime, the Secretariat of the Committee explored with the EU/OSCE Sanctions Coordinator the feasibility of holding an informal discussion to take stock of lessons learned.

OSCE agreed to organize a "Round Table on United Nations Sanctions - The Case of the Former Yugoslavia". Hosted by Denmark, the Round Table was held in Copenhagen on 24 and 25 June 1996. The report on the Round Table was presented to the Committee, at its 142nd meeting, by the Permanent Representative of Denmark to the United Nations, as well as by the EU/OSCE Sanctions Coordinator and the Director of SAMCOMM (press release SC/6269). The Committee expressed its appreciation for the report and decided to transmit it to the President of the Council (S/1996/776).

V. OBSERVATIONS AND RECOMMENDATIONS

81. The Committee wishes to acknowledge the contribution made by the countries neighbouring the former Yugoslavia, as well as that of the European Union, OSCE and all other regional organizations which provided assistance to the Committee and national authorities in connection with the monitoring and enforcement of the mandatory measures. The Committee expresses its deep gratitude for the contributions of those countries which committed resources and personnel to that effect.

82. With due regard to the need to maintain the effectiveness of the sanctions regime, the Committee sought to address, on a priority basis, humanitarian concerns arising as a result of the sanctions and from hostilities in the region. The Committee feels that practical arrangements be considered with a view to alleviating adverse humanitarian effects of sanctions. Based on its experience, the Committee believes that, in the implementation of a sanctions regime, international humanitarian agencies should be given clearly defined preferential treatment, allowing them to submit applications on a programme basis, provided that adequate monitoring and control mechanisms would be in place.

83. The Committee also feels it essential to have accurate information on the situation on the ground. It is also essential for the Secretariat to establish an adequate capacity for analysis and assessment of the effectiveness of the sanctions and their humanitarian impact.

84. It was further recognized that mitigating the adverse effects of sanctions on third countries is a serious issue that needs to be carefully considered in implementing economic sanctions.

85. The effectiveness of the arms embargo would have been significantly greater had there been in place a system for monitoring the air and land freight traffic parallel to the existing NATO/WEU arrangements in the Adriatic Sea and the monitoring by the SAMs of the land and Danube traffic. The Committee feels that consideration may have to be given to ways and means of promoting the effectiveness of arms embargo regimes.

86. The experience of the Yugoslav sanctions regime has shown that such measures, if properly applied, administered, and strictly implemented, can in a way help promote international peace and security. The Committee hopes that its final report might be of help to the Council in refining the instrument of

sanctions, thus increasing its effectiveness and minimizing its collateral humanitarian effects.

87. The Committee notes that, in accordance with paragraph 6 of resolution 1074 (1996), the Committee is dissolved upon finalization of the present report.

Notes

a/ The organization changed its name to Organization for Security and Cooperation in Europe (OSCE) in 1994.

b/ EU/OSCE Sanctions Assistance Missions since 1994.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/947
15 November 1996

ORIGINAL: ENGLISH

LETTER DATED 13 NOVEMBER 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter of 8 April 1996, contained in document S/1996/266, informing members of the Security Council of the extension for six months of the mandate of my Representative in Cambodia, Mr. Benny Widyono, in keeping with the spirit and principles of the Paris Agreements.

Following consultations with the Government of Cambodia, I have decided that Mr. Widyono's term be extended for a further six months and that he should continue to be assisted by one military adviser.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-32339 (E) 151196

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/948
15 November 1996

ORIGINAL: ENGLISH

LETTER DATED 15 NOVEMBER 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 13 November 1996 (S/1996/947) has been brought to the attention of the members of the Security Council. The members of the Council take note of the information contained in the letter and welcome your decision to extend the mandate of your Representative in Cambodia for six months.

(Signed) Nugroho WISNUMURTI
President of the Security Council

96-32345 (E) IS1196

UNITED
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Security Council

Distr.
GENERAL

S/1996/949
15 November 1996

ORIGINAL: ENGLISH

LETTER DATED 15 NOVEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF BRAZIL TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the discussion on the situation in eastern Zaire, I have the honour to inform you that it was the intention of Brazil to be a sponsor of the draft resolution contained in document S/1996/943.

(Signed) Celso L. M. AMORIM
Permanent Representative

96-32295 (E) 151196